

THE
STATE and DUTY
OF THE
CHURCH of Scotland,
Especially with respect to the
Settlement of Ministers,
Set in a just Light.

By a Minister of that Church.

*A prudent Man foreseeth the Evil, and hideth himself; but the Simple pass on, and are punished. Prov. xxvii. 12.
Behold, I send you forth as Sheep in the Midst of Wolves: be ye therefore wise as Serpents, and harmless as Doves. Matth. x. 16.*

And let them make me a Sanctuary, that I may dwell amongst them: According to all that I shew thee, after the Pattern of the Tabernacle, and the Pattern of all the Instruments thereof, even so shall ye make it---And look that thou make them after their Pattern, which was shewed thee on the Mount. Exod. xxv. 8, 9, 46.

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THE
STATE and DUTY
OF THE
CHURCH of Scotland
Especially with respect to the
Settlement of Ministers
Set in a new Light



A private Man forsook the
the simple path, and was
Enchanted, I find you have
be ye therefore wise as serpents,
March. x. 18.
And let them who are
mourn it then: An order to
the Father of the Tabernacle
Infirmities, even to the
that they might be
found the same.

A D I V E R T I S E M E N T

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M. DCC. LXXV.



THE PREFACE.



*I*N this intelligent, polite and critical Age, when many are, and more pretend to be, of profound Knowledge, penetrating Judgment and nice Taste, an Essay of this Nature, void of all Art and Embellishment, should, no Doubt, be prefaced, and ushered into the World, with a large Apology; but none other incline I, nor better want I, to make for it, than what was made, upon a greater Adventure, by the valiant Jonathan, proposing, with his Armour-Bearer,

to attack the Garrison of the Philistines, 1 Sam. xiv. 6. It may be, said he, that the Lord will work for us; for there is no Restraint to the Lord, to save by many or by few. In like Manner and Words say I, It may be that the Lord will work for us, and by this small Effort, for there is no Restraint to the Lord, to save his Church, or serve her Interest, by strong Means or weak, polished or rude Performances. What is not excellent may be useful, and will, no Question, if accompanied with the divine Blessing.

With this encouraging View I have adventured upon this Task, not to gratify any Humour I have, for such I never had, of appearing in Print, or of promoting my Reputation, or worldly Interest, in that Way; but to serve my Master, discharge my Duty, and exoner my Conscience; and, at the same Time, to obtemper the Desire of sundry worthy Ministers, and Members of this Church, I highly regard.

THE PREFACE.

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It is not, however, nor could it rationally be, the Scope of this brief Dissertation, to take Notice of all the Cases and Respects wherein the Church of Scotland is endangered, by the malign Management of her avowed Adversaries and professed Friends; nor of all the Duties incumbent on that Church, in order to their Disappointment, and her own Safety. All I have in View, is, to treat of, and advert upon one special Case, in which all the Interests of our said Church, her Peace, Purity, Prosperity, and Constitution, seem to be attacked at once, by the united Force of all that dissent from her Government, and of some, I wish I could not say, many, that comply with their Humours, and serve their Purposes, in the Exercise of it.

The Case, I mean, is plainly that of Settling Ministers, or Planting Vacant Congregations; a Case of the very greatest Moment and Importance to Religion itself, as well as to our Church, in all its valuable Concerns; and yet a Case in which our Church-Officers and Mem-
bers

bers are wofully rent and divided, and a Branch of this Division too far gone over, I am sorry to say it, to our Opponents Side! It therefore seems seasonable, at such a Juncture, to lay open this Case, as it threatens this Church with Danger, and calls her out to Duty. The Danger threatned, and Management threatning, I shall represent in the first Chapter of this Essay; and The Duty or Duties called for from, or Measures to be followed by this Church, I shall suggest in the subsequent Chapters, as the Lord shall be pleased to assist me.

In handling the whole, I shall endeavour to avoid all just Ground of Irritation. Advancing of Truth, in Fact or Argument, should be provoking to no Man, and seldom is to any but such as are conscious of Guilt, or of being put to a Disadvantage. What I am to say, anent the Management of our Church's Adversaries, I design as no Imputation upon their intellectual, moral, or religious Character. Their Principles differing from ours I heartily regrave; but their Practice opposite

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site to our Interest, in consequence of these,
 and in a Consistency with themselves, I am
 nowise surprized with, nor need they be
 with me, altho, in consequence of my Prin-
 ciples, I grudge them every Handle that
 theirs incline them to make use of, to the
 Prejudice of our Church, or Advantage
 of her Opponents, in the Course of their
 Opposition. What I am forced to insin-
 ate, anent those Members of the, our ec-
 clesiastick Courts, that too much appear
 to support the Claims, and countenance
 the Measures of our adverse Party, I
 charge not against them, as intending the
 Overtthrow of our Interest, whatever Ten-
 dency their Conduct may have thereto.
 The Intentio operis, minime vero ope-
 rantium, is all I have to do with. And
 what I shall presume to suggest, as pre-
 sent Duty incumbent on our Church, and
 the Judicatures thereof, shall be humbly
 offered as my Opinion, with all due Sub-
 mission to the better Judgment of others of
 greater Knowledge, Capacity, and Pe-
 netration; but, at the same Time, with
 such Freedom of Thought and Expression,
as

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as is consistent with that Submission, and necessary for clearing the Subject I have in Hand and at Heart, and for exonerating my own Mind thereon.

If, in walking in an untrodden Path, wherein I have seen no Man going directly before me, I should happen to deviate a little to the right or left Hand, it need not be thought any great Matter of Wonder; and, if I should not, it must be ascribed to the Direction of infinite Wisdom, and not to me. Being, however, conscious to myself, that I have endeavoured, through divine Assistance, according to my best Light, to make every Step in the Road, pointed out by the Word of God, the infallible Rule, I will reckon myself obliged to maintain and defend what I judge bottomed on such a sure Foundation, against all injurious Attacks may be made upon the same. But if any Man, by that Rule, shall convince me of any Error or Mistake in this Dissertation, I shall readily own and retract it, and thankfully acknowledge him as the Instrument of my Conviction.

Some

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Some Things indeed I may advance, in Principle or Policy, which may perhaps, at first View, appear untenable, or out of the common Road; yet I beg they be not condemned till once they are duly considered, and the Reasons or Authorities supporting them are impartially weighed. Another Piece of Justice I ask and expect, from Men, at least, of Honour and Ingenuity, That my Meaning, in all I advance, be fairly construed, according to the native genuine Sense of my Words; and that these be not loaded with unnatural or unnecessary Consequences I never had in View. In fine, I ask my Readers no more, and I am sure I have a Title to nothing less, than what, if Authors, they would ask, might expect, and should have, from me.

II T O I S

II H A P

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THE
STATE and DUTY
OF THE
CHURCH of *Scotland.*

CHAP. I.

Of the Danger threatned, and Management threatening the Church of Scotland, especially in the Case of Settling Ministers, or Planting vacant Congregations.

PURITY and Peace, in their Nature and Consequences, being inestimable Blessings to any Christian Society, the Church of Scotland's Concern to have them, Care to retain them, and Fear to lose them, should bear a just Proportion to the Greatness of their
A Worth;

Worth; and seeing the Enjoyment of these, and of her other valuable Interests, doth, under Providence, very much depend upon an able and untainted Ministry, every Attempt made against the same, and to the Prejudice or Perversion thereof, must needs, in more or less, be *endangering* to the Church, and ought, in so far, to be affecting to all her Judicatures and Members. To discover that Danger, and excite this Concern, is the plain Design of the ensuing Sections.

S E C T. I.

Of the Danger threatned to the Church of Scotland.

IN the Course of Divine Providence, this Church is established upon such a solid Bottom, in Law and Policy, that, walking in the Way of Duty and Loyalty, she hath nothing to fear from the civil Magistrate, especially under the auspicious Reign and benevolent Administration of such a *wise* and *gracious* Sovereign as now fills our Throne.

The *Adversaries* of our Church convinced of this, as would appear, fall on other Means, very effectual, for tainting her Purity, breaking her Unity, and weakning her Constitution. Her own Office-Bearers and Members they find the fittest Tools for these Purposes, and accordingly make use of such of them as are cut out for their Ends, with Abundance of Art and Industry.

To corrupt the Ministry, or divide the Church, the Measures followed by her adverse Party, whose Intentions I pretend not to judge, have the greatest Influence, and plainest Tendency. Tho' most Ministers, of any tolerable Standing, are Proof, I hope, against

against Corruption in their Principles, yet, they are not so, I fear, with respect to Division in their Sentiments or Practices, especially when Seeds of Dissention are sown, when Balls of Fire and Bonds of Contention are industriously thrown amongst them, and violently tossed about by many of their own Communion; and when once Division hath taken Place, as I am afraid it hath already, tho' the most Part of those that are now in the Ministry should stand it out against Corruption, yet, if Mercy prevent not, it will, in all Appearance be soon introduced, and the Balance of Power turned to the wrong Side, by our *Intrants* to the Ministry.

An Opportunity for this Purpose, our Adversaries have in their Hands upon every emergent Vacancy; and to question their Capacity or Inclination to improve it, were to do them Injustice. For, in most of the Northern Counties of *Scotland*, where Disaffection greatly prevails, at least among the Gentry, whenever a Vacancy happens in any Congregation, wherein such Gentlemen have Interest or Influence, they forthwith endeavour to have it supplied, as little as possible to the Church's Satisfaction or Advantage, by some Friend perhaps, or Dependent of their own, or some other Candidate, the nearest they can find, of Presbyterian Profession, to their own Way of thinking, the most promising for their Ends, or most liable to their Authority and Direction.

Such Projects, these Gentlemen pursue with the greatest Vigour, and seldom miss to make something of them to the Church's Prejudice; when they carry their Point without Opposition, they palm upon her for the most Part, if they have not mistaken their Man, a weak or worthless Minister; and if they are opposed,

posed, then they make Appeals from one ecclesiastick Court to another, and in prosecuting the same, rarely fail to divide the Church, and set the Judicatures and Members thereof by the Ears together; and if, after all, they happen in the Issue, as many Times falls out, to succeed in their intended Settlement, then have they, for ordinary, their whole Intent, Corruption and Division, introduced at once, and that Side of the Division strengthened they favour most! Herein, I think, is *Danger* enough threatned, considering especially the Management now, to be represented.

S E C T. II.

Of the Management threatning this Church.

IN most of our Northern Counties, where Gentlemen, disaffected to our ecclesiastick Constitution, are considerable for Numbers or Quality, or both, they generally affect to have the prime Hand in planting all our Vacancies, or settling all our Ministers; and frequently discover Abundance of Dexterity, as well as Keennes, in managing that Business, and using every Handle fit for their Purpose. The Power given to Patrons, by the Act restoring Patronage, to present Candidates to vacant Congregations, and the Right allowed to Parishes, by the Principles of our Church, to elect their own Pastors, are the powerful Engines by which these Gentlemen operate their Designs, after the following Manner.

When a Vacancy falls under the Patronage of any of themselves, not qualified in Law, nor willing to qualify, by taking the Oaths to the civil Government,

ment, then the Patronage, or Right of presenting *pro*
vice, is presently transferred, by a simulate Dis-
 position, to some Trustee, who is not only qualified
 in Law to present, but qualified in Humour also to
 gratify the real Patron and his Party, in the Choice
 of a Presentee, ~~and~~ bearing hard upon the Church by *in*
 the Presentation. When the Right of presenting falls
 into the Hands of a Subject qualified in Law to ex-
 ercise the same, then he is instantly addressed, and
 earnestly solicited from all Quarters, in Favours of
 some Candidate most agreeable to his disaffected
 Neighbours, of Influence enough, for the most Part,
 to carry their Point with him. And should the
 Crown, through Misinformation or Mistake, happen,
 at any Time, to grant a Presentation in Favours of
 a Person acceptable to that Party, they would not
 want Assurance (tho' the Right of presenting had e-
 ven arisen from the Abolition of their Darling Prelacy,
 or the Forfeiture of some of their dearest Friends)
 to plead the Presentation against the Church, and to
 accuse the Judicatures thereof of Disloyalty or Disaf-
 fection to the Royal Patron, in Case of their demur-
 ring thereanent, or making any legal Objection a-
 gainst the same; whereas it is well known, that many
 of them, who thus plead Presentations from the Crown
 to serve their own Ends, will scarcely own his Maje-
 sty's Title to it, or swear him Allegiance as their
 Sovereign! And while they accuse the Judicatures
 of the Church, exerting only the Privilege of the
 meanest Subject, as deficient in Loyalty and Affection,
 they hate them for nothing so much, as because they
 abound in both!

When there is no Presentation in the Field, or
 when, along with the Presentation, a parochial Call
 or

or Election is found necessary or convenient for bringing about the intended Settlement of a Person agreeable to the disaffected Gentry, then they fight the Church with her own Weapons, or what they take for such, abandoning their own, *pro hic & nunc*, they take up with our Principles, allowing vacant Parishes, or the Electors therein, a free Choice of their own Pastors, and stretch the same beyond all reasonable Bounds, alledging, that Parishes may choose what Candidates or Ministers of Presbyterian Profession they will, and cannot be controuled by any Presbytery in their Choice, unless a relevant Libel be exhibited and proven against the Person chosen; yea further, pretending, that, according to Presbyterian Principles, the Election or Consent of the People is essential to the ministerial Calling and pastoral Relation.

Under Covert of these Principles, not a little strained beyond the Meaning of this Church, these Gentlemen, with their Abettors amongst our selves, endeavour to force into our Vacancies what Candidates they please. In order to which, such of them as are Heritors in any vacant Parish, whether they reside in it or not, claim a Vote in the Election of a Minister to themselves, tho' avowed Dissenters from our ecclesiastick Communion, and open Enemies thereto. Thus they are in Case to overbear the Eldership, by their Numbers or Influence in the Election, and to over-rule the People to a profound Silence, or simulate Consent, with respect thereto. Nor can they have great Difficulty in all this, while the People, the Generality of Elders not excepted, are their own Tenants or Dependents, far gone many Times in Arrears, or otherwise very obnoxious to them; yea, when

when it is otherwise with these Tenants in Point of Circumstances, it is much the same in Point of Compliance; for the Generality of them, in the North of *Scotland* at least, are so trained up and inured to a State of absolute Submission and Dependence, they scarce know what it is to differ from their Masters, or to counteract them in any Thing. The Heritor's Will, if it is not in Money Matters, is a Law to them!

The Electors however, or a sufficient Number of them, being got disposed, by Ways and Means, to join their disaffected Superiors, they improve this Handle for forcing the Settlement they design, be the Presbytery's Scruples and Exceptions against it, or the Manner of bringing it about, what they will. If a Presbytery refuse or delay their Concurrence, they are immediately appealed from to the provincial Synod, and are brought to the Synod's Bar, as Parties with the disaffected Gentry Appellants; who will not, perhaps, for all this Advantage, trust their Cause to a fair Hearing, but must have the Meeting packed and prepared for their Purpose: For this End a Circuit is sometimes made before the Synod's Meeting, through the whole Province; Ministers are solicited with as great Assurance, and upon as frivolous Topicks, as if they were Men of no Conscience or Justice, or were not obliged to act the Part of impartial Judges, conform to the Merites of the Cause; or as if the Thing, of which they were to judge, were only Matter of Compliment; and almost every Minister (from whom any Complaisance can be expected) must be set upon by his Heritors and Relations, in forcing the Desire of the Party soliciting his Friendship in their Affair.

After

After all; if they are not assured of a sufficient Number of Ministers, the fixed Members of the Synod, for carrying their Cause, then have they Recourse to the Help of the elective Members, the ruling Elders, whom, in some Presbyteries, and by some of their Church-Sessions, they readily get ordained or admitted, and thereupon commissioned to attend the Synod, for serving the *Turn* (bad enough, perhaps, to the Church) for which their Ordination or Admission had been intended or accelerated.

In all which Instances of Management, very dangerous, I think, to the Church, the Managers are encouraged and supported by some of her own Members, Office-Bearers and Judicatures ! When they compare with their Appeals before some Synods, accompanied with such Ministers as are brought over to their Side by Influence and Solicitation, with ruling Elders ordained, admitted and commissioned *pro re nata*, and with others of the like favourable Disposition to their Cause, then they carry, for the most Part, all before them, especially if there is a *Presen-tation*, or the Shadow of it, in the Field. The most solemn Sentences and Deeds of Presbyteries are sometimes reversed at their Instance, the most unwarrantable Sentences pronounced, and the most extraneous Persons clapt down upon Presbyteries, as Correspondents or Committees, for putting these Sentences in Execution ! And, if a Synod should disappoint them, they bring their Cause to the Assembly, and fearing to risque it there, find Means to get it remitted to the Commission (to sit in *August* no Doubt) from which they look for the same Encouragement, and seldom come short of it, as from a packed or pre-occupied Synod ; with this Difference, that their
Sentence

Sentence is more irreverfible, tho perhaps equally juft, than the Sentence of fuch a Synod can be fup-
 pofed. Now, if fuch a Management as this, in
 fuch an important Cafe, as the Settlement of our
 Minifters, is not, in itfelf, and its direct Tendency,
 very threatening to the Peace, Purity, Welfare and
 Conftitution of our Church, I leave the Impartial
 to judge, and proceed to the Remedy.



C H A P. II.

*Of the Duty of this Church, for prevent-
 ing her own Danger, in licensing
 Probationers for the Ministry, and ad-
 justing the Terms upon which they are
 to be licensed.*

ALTHOUGH I am far from presum-
 ing to prefcribe, in any Thing, to the
 Church of Scotland, inexpressibly more
 capable than I, in every Thing, to judge for
 herfelf; yet, I hope, I may, without being reckoned
 presumptuous, lay Claim to a Share in that Privi-
 lege granted to Church Members, *Hofea ii, 2.* And
 according to the Injunction there given to the *Israel-
 ites*, in their Day of Danger and Defection, may
 plead with my Mother Church in like Circum-
 ftances. The Danger ſhe is in at this Day I have in
 ſome Meafure represented, and now I come to plead
 with her to ſee to her own Safety; and in order
 thereto, to liſten to the *Propoſals* humbly offered in
 this and ſome ſubſequent Chapters.

B

S E C T.

S E C T. I.

Of proper Persons to be licensed, as Probationers for the Ministry.

THe Introduction of a corrupt Ministry, and of destructive Divisions about the Settlement of Ministers, being the imminent Danger with which our Church is threatned at this Time ; for preventing thereof, it seems highly necessary for all concerned, to take all possible Care and Precaution, that worthy Persons, and none but such, be licensed to preach the Gospel, as Probationers for the Ministry. To shut this outer Gate against all worthless Men, and to open it only to such as appear to have Heaven's Pass, would, I am sure, be religious and politick at once. If Patrons had none to present, or Parishes to elect, but Men of Piety, Learning, and other ministerial Endowments, then the Adversaries of our Church and their Abettors, would have fewer Handles than now they have, and be less able, than now they are, to promote Corruption in her Ministry, Contention about her Vacancies, or Division in her Judicatures. Upon the other Hand, how conducive, by the divine Blessing, would this be to the Glory of God, the Honour of Religion, and Security of our Church in all her valuable Interests ?

The several Qualifications requisite in Ministers, according to the Rule in God's Word, should be seen in Students, in some Degree or Measure, before they be sent out as Probationers for the Ministry : As such they become Candidates for that Office ; and nothing, I think, can be more absurd, than the authorizing a Man to stand Candidate for any Office

for

for which he is not qualified, or in which he cannot act a right Part. This must needs expose him to the Hazard of coming short of that Office, or that Office to the Hazard of having him, an improper Person, obtruded upon it; in either of which there is a palpable Inconveniency; but, in the last Case, the far greatest, especially when the Obtrusion is upon the ministerial Office, which, of all others, suffereth most remarkably, when unqualified Persons get into it. Now, how difficult is it, in present Circumstances, to keep any such out of our Church, as Ministers, if once they are licensed as Probationers? Yea, how impossible, if they meet with Opposition, to prevent Contention and Division in our Judicatures about them?

Such mean or worthless Candidates will, no Doubt, be ready to make the widest Steps, and lowest Stoops, toward their own Settlement, to do all they can, in *Safety*, or with *Secresy*, for reaching that End; and, if the Door to the Ministry, or rather to the Maintenance, is shut against them, they will stretch out their Hand to any Man can pull them in by the Window! Nor will they, in Places where Disaffection prevails, miss to have Abundance to take them by the Hand, to procure them *Presentations* or *Elections*, and to prosecute the same in their Favours to the last Extremity. No Matter to them, if their Point is carried, what that Extremity be to the Church, tho' a Flame of Discord, hardly to be quenched, should be raised or increased by it!

These, and other most weighty Considerations, too many to be here mentioned, should, I humbly think, put Professors of Divinity, Ministers, and Church Judicatures, upon their Guard, and make them all very wary and cautious, as to whom they recommend or

allow to pass probationary Trials, and as to whom they license to preach in that Capacity. Men should be real Christians themselves, before they be employed to preach Christ, and the Doctrine of Christianity to others. They must be acquainted with the Efficacy of sovereign Grace upon their own Hearts, with the Life of Religion and Power of Godliness in their own Experience, before they can be well fitted to unfold the Nature, or inculcate the Necessity thereof to their Hearers. In one Word, as Holiness is a Quality required in Ministers, *Titus* i. 8. so must it, of consequence, be in Candidates for the Ministry; and, if they are not holy, how can they be proper Objects for the People's Choice, proper Members for the Church's Society, or proper Instruments for the great Master's Use? It were therefore to be wished, that Grace, as well as Gifts, Piety, as well as Parts, were to be seen, so far as the Eye of Man can discern, in Students of Divinity, before they be sent out as probationary Preachers.

I own *indeed*, that no mere Man, nor Society of Men, can infallibly know the Heart of another; but altho such positive Marks of Grace as may found an infallible Judgment with respect to other Men, is not attainable, yet such may be had, as are very promising, and altogether sufficient to found a positive Judgment of Charity, with respect to their spiritual State. And, I humbly think, that no Man should be licensed to preach the Gospel, or authorized as a Probationer, to stand Candidate for the holy Ministry, until his Judges see Cause, with Abundance of Freedom, to form this Judgment concerning him.

The Apostles made none Candidates for the Office of a Deacon, the lowest in the Church, or capable of being elected to it, but *Men of honest Report, full of the Holy Ghost and Wisdom*, Acts vi. 3. The Application of this their Pattern, to the present Case, is easie; and the Reasoning, *a fortiori*, from Candidates for the lowest, to Candidates for the highest Office in the House of God, is obvious. Nor doth the Apostles; their condescending only upon the Qualifications of the Men to be elected, and not upon the particular Persons, out of whose Number the Election was to be made, alter the Case, or weaken our Argument: For the Qualifications named do evidently discover, that it was Persons so qualified, and none other they would have licensed as Candidates for that Office, if they had particularized any.

S E C T. II.

Of expedient Terms upon which Probationers are to be licensed.

AS Care would be taken that none but good Men, worthy of such a Character, be licensed to preach the Gospel as Probationers for the Ministry; so likewise, that no Man obtain that Character, or Licence, but upon just and equitable Terms, agreeable to the Principles and Constitution of this national Church, and subservient to the Peace, Welfare, and Safety of the same. *Deserving Persons* will not scruple such Terms, and others ought to be bound by them, or else denied the Privilege of being Probationers, if they decline them. No Man then, I humbly think, should be licensed, until

until he hath once given sufficient Evidence, by Declaration and Subscription, of his hearty Agreement with this Church, in her Doctrine, Worship, Discipline and Government ; and until he hath come under suitable Engagements to maintain the same, and to act in a Consistency therewith, and with all her known Principles.

There are, I know, already made, and I wish they were better observed, excellent Acts of Assembly, a-
nent licensing Probationers, and particularly, that, by *Act 10. Assembly 1711.* certain Questions, there set down, are appointed to be proposed to them, and a certain *Formula* there prescribed, is appointed to be subscribed by them, before they be licensed ; but, at the same Time, I know likewise, that, albeit these Questions, and this *Formula*, are very extensive and comprehensive, very express and obligatory, yet, there are several Probationers, who have answered the former, and subscribed the latter, that, notwithstanding both, have, in accepting of Presentations, acted a Part, in my Opinion, inconsistent with the known Sentiments and Principles of this Church, in relation to *Patronage*, or the Power assumed by Patrons, of presenting Ministers to vacant Congregations. It seems therefore expedient, and in present Circumstances necessary, that, to the abovementioned Questions and *Formula*, some proper Addition or Explication be made, relative to this particular Case of Patronage, and Acceptance of Presentations.

It is not, however, any Part of my Design, nor could I attempt it without too great a Digression, to canvass the *Origin* of Patronages, the Encroachments made upon the Christian Church thereby, or the Contrariety thereof to the divine Rule. This hath been done

done, to good Purpose, by other and better Hands; it falls only to my Share, at this Time, to assert the Principles of this Church in that Matter, and the Duty incumbent on her in consequence thereof.

The Principles of this Church, in relation to Patronages, are so well known, it were Labour lost to insist much upon them. It is beyond all Question and Contradiction, that, ever since our Reformation from Popery, this Church hath reckoned Patronages, and Presentations by Patrons, a *Yoke and Burden*, which, having no Ground in the Word of God, but being contrary to the same, and to the Liberty of Election of Pastors, ought to have no Place, &c. as is declared by the first and second Books of Discipline, soon published after the said Reformation; that since that Time, they were still judged a *Grievance*, and complained of as such, till at length they were got abolished by Law, upon the late happy Revolution; and that of late they were represented and complained of, *even to the Crown*, not only as a *Grievance*, but also as an *Imposition* and *Encroachment*, *evidently prejudicial to the Work of the Gospel, and Peace of this Church*; nothing less than all this was expressed in an *Address* and Representation made to her late Majesty Queen Anne, by the then Commission of the General Assembly, *anno 1711*. nor any thing less avowed as the Principles of this Church, by her next ensuing General Assembly, *anno 1712*. which did unanimously approve and ratify the Proceedings of the said Commission, in relation to publick Affairs, particularly the fore-said *Address* and Representation, as having been most faithful and seasonable; as appears from their Act, unanimously past upon the 13th Day of May the fore-said Year.

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Now these being the Principles of this Church of Scotland, it necessarily follows therefrom, that she cannot, in Conscience or Duty, have, or allow her Dependents to have, any active Hand in countenancing and encouraging Patronages or Presentations, but is obliged, by the most sacred and inviolable Ties, to the contrary; and of consequence is bound to discharge all Expectants from *accepting of Presentations*, as being the most active Hand they can have in countenancing Patronages, and the greatest Encouragement they can give to the Exercise of that grievous Encroachment.

Nor is the Church's Power, in this Case, any thing less apparent than her Duty. A *Licence* to preach the Gospel, and stand Candidate for the Ministry, is, to the Receiver, an ecclesiastick Privilege or Encouragement, intirely, under Providence, depending upon the Church, which hath the sole Power of granting the same, to whom, and upon what ecclesiastick Terms she sees proper, and agreeable to the Word of God, and her own Principles founded thereupon. This Power, as an essential Part of the Church-Constitution, is secured to her, by all the Laws of the Land ratifying and establishing the same; and therefore it seems *religious, reasonable and safe* for this Church, to exert this her power, in *obliging* all, encouraged by her as *Licentiates* for the Ministry, before they receive that Encouragement, to *declare* their Acquiescence in, and Satisfaction with all her known Principles, particularly in relation to *Patronages and Presentations*; and to *engage themselves*, under Pain of amitting the Privilege granted them by their Licence, to do nothing, directly or indirectly, inconsistent therewith, or contradictory thereto.

nor any Thing, that may, in the least, fortify a *Presentation*, or promote their own Settlement upon that Footing. An Act of Assembly to this Purpose, or a Resolve, unanimously entred into by all the Presbyteries, might, at this Day, be of great Use to our Church, without the least Prejudice, I am sure, to the State, or even to Patrons themselves, with Respect to their other Patronage-Rights.

Against this Proposal, however, several Objections, no Doubt, will be mustered up, and advanced, as Occasion offers, under the best Colours and Pretexts they can possibly bear; I foresee the most material of them, and shall make such Answers to them as I can. And,

First. If it is objected, That the Thing above proposed, the restraining, *to wit*, Probationers from accepting of Presentations, is disrespectful, and therefore may be provoking to the Legislator, or civil Government, whereby Patronages have been restored, I reply, That this Disrespect is purely *imaginary* and *chimerical*, no where existing, but in the *Fancy* of the Objectors. It was never intended by the Proposer, nor is capable of being made out of the Proposal, or Thing proposed. It is true *indeed*, the Legislator, or civil Government, hath restored Patronages, in Prejudice of this Church, by Act of Parliament, *anno* 1711. and hath, by another Act in favours of the Church, *anno* 1719. made void all Presentations not accepted by the Persons presented; but hath never, by any Act, *commanded* or *required* any Person to accept of a Patron's Presentation; nor by any Act *discharged* or *prohibited* the Church to use her ecclesiastick Power or Freedom, in licensing Candidates

for the Ministry, upon Terms agreeable to her own Principles, and contradictory to no statutory Law.

It is, I believe, a received *Maxim*, *That where there is no Law, there can be no Transgression*. Now there being no Law obliging Probationers to accept of Presentations, nor any Law obliging the Church to allow them so to do, there can be no Transgression in restraining them therefrom, or in withholding from them, if they will not be restrained, such ecclesiastick Encouragement as she is not bound, during her own Pleasure, to give them; and if there is, in this Case, no Transgression, it is difficult to see how there can be a Disrespect shewed to the Law not transgressed, or to the civil Authority enacting the Law nowise violated; and as hard to find out how no Transgression or Violation of the Law can be provoking to the civil Authority or Legislator!

Upon the contrary, I cannot help thinking it most respectful to our Sovereign and civil Government, to suppose, That considering Patronages were re-imposed upon us, at a Juncture remarkably unfavourable to this Church, upon account of her firm Adherence to, and open Appearances for the Protestant Succession to the Crown of these Realms; and that the Act in our favours, *anno 1719*. was made after that Succession had luckily taken Place, and when our late gracious Sovereign was upon the Throne: These Things considered, I say, I cannot but think it most respectful to our present Sovereign and Government, to suppose, that they sympathize with our Church, groaning under a Burden laid upon her at such a Juncture, and upon such Accounts; and that they will indulge her in all the Advantages she can make of
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that Law, intended for her Relief, at a Time, and for Reasons more worthy of their Regard than the former.

That the Law I now cite, with great Respect, was intended, by the Legislator, to make this Church easy under Patronages, cannot reasonably be questioned ; but, if it was particularly designed thereby, that Ministers and Probationers declining to accept of Presentations (as might have been supposed they would) the Right of planting all Vacancies should devolve upon Presbyteries, I have no Title to determine, (tho' good Ground to suppose it) because so much is not express in the Act itself ; but for the same Reason, another Man has as little Right to affirm the contrary. One Thing is certain, that whatever was the Intendment of that Act, this was at first thought, by every Body, to have been the Effect of it ; for no Body seemed then to think, that any Presbyterian Minister, or Probationer, would accept of a Presentation, or have the Countenance of the Church, if he should. Another Thing is certain likewise, that the Law leaving Ministers and Probationers at their Freedom to accept of Presentations or not, and to declare their Willingness to accept of the same, or the contrary, it must needs, of consequence, leave the Church at her Freedom, to use what ecclesiastick Means she finds proper, for influencing and determining these her Dependents in that Matter, left by the Law to their Choice. If it is lawful for them, as it certainly is, to do, or not to do, a Thing left in their Option, it cannot be unlawful for the Church to determine them to either Side of the Question left optional to them by the Law ; or, in case they will not be so determined, to withhold from them

that Encouragement, which is in her Option also to grant or not.

Nor is it to be pretended, as by some it hath been, That what is left optional by the State, should be so left by the Church. This, I think, will not hold in Cases ecclesiastick or religious, or in which the Interests of the Church, or of Religion, are immediately concerned; in all which, the Church must undoubtedly be obliged in Duty, and have Freedom in Law, to judge what Side of the optional Case is most agreeable to the *Will and Word of God*, and to endeavour to incline and perswade (not indeed to force or compel) her Members, especially her Ministers and Probationers, accordingly. To deny her this Freedom, or to make the Exercise thereof illegal, or disrespectful to the Legislator, or civil Authority, would imply *Absurdities*, so obvious to every intelligent Mind, that I need not here mention them.

It is Matter of Fact, that the civil Government hath, in other Cases than that of Patronages, or Acceptance of Presentations, allowed Freedoms to its Subjects, which, notwithstanding, it never obliged nor expected this Church to allow or countenance in her Members, much less in her Ministers, or Probationers for the Ministry, but which she might restrain them from, or not allow them, if intractable, to stand in these Relations to her, or enjoy the ecclesiastick Encouragements dependent upon her. For Instance, by an Act of Toleration past in Parliament, about the same remarkable Time that Patronages were restored, the civil Government granted Freedom to all the Subjects of that Part of *Great Britain* called *Scotland*, to resort, if they inclined, to Episcopal Meetings for Worship, and to use therein the Liturgy of the Church

Church of England, declaring, That no Person should incur any Penalty for so doing, &c. Yet this Act, as extensive as it was to all Subjects, and to all Exemption from Penalties, never obliged this Church to grant or allow that Freedom of resorting to Episcopal Meetings, &c. to all her Members, Ministers and Probationers; nor hindred her to use all ecclesiastick Means for restraining them therefrom, and for inclining them to use their Freedom in another Way. Now, if after the Act of Toleration, allowing, but not commanding, all Subjects, and Probationers amongst the rest, to resort to Episcopal Meetings for divine Worship, &c. it was still lawful for this Church (as it certainly was) to discharge her Probationers from resorting thereto, &c. as they would not amit the ecclesiastick Encouragement dependent on her; then I see no Reason, why, after the Act of Parliament, allowing, but not commanding, all Probationers to accept of Presentations, it is not as lawful for the Church to discharge them from accepting thereof, and to engage them to the other Side of the Question, left optional by that Law, under such a Certification as hath just now been expressed. These Cases, I am sure, are parallel, so far as is necessary for my present Purpose; and *in pari causa, idem jus*.

To insinuate a Disrespect offered by the Church to the State, where there is none, or a Threatning from the State to the Church, when there is no Occasion for it, is, in my Opinion, a good Office to neither. To support a mutual Confidence, when there is no Reason to the contrary, would, I am sure, be far better, and much more becoming the Subjects of the one, and Members of the other; and to do any Thing
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in Prejudice thereof, would look like a Project in the Enemies of both.

Never any Church in the World hath evidenced, for any State, greater Regard, Affection, or Zeal, than the Church of *Scotland* hath done for the present happy Constitution, and civil Establishment; to which, it is well known, her Office-Bearers and Members have been, and are the firmest Friends, and most faithful Subjects in *North-Britain*, and, I hope, shall unalterably continue so to be. Nor, on the other Hand, hath our Church, walking in the Road of her Duty, and proceeding in her Judicatures according to her own known and established Principles, any Thing to fear from the State, from which she hath a legal Establishment and Security. Her Doctrine, Discipline, Worship and Government, pursuant to a Claim of Right, are established and secured by sundry Acts of Parliament, made before the Union of the two Kingdoms, in the Years 1690, 1693, 1695, and 1702. And these Acts, particularly the last of them, intituled, *Act for securing the Protestant Religion, and Presbyterian Government*, are further ratified by the *Treaty of that Union* past in the Year 1707. whereby it is statute and ordained, That the foresaid Act, for securing the Protestant Religion and Presbyterian Government, with the Establishment therein contained, shall be held and observed, in all Time coming, as a fundamental and essential Condition of the said Treaty of Union, without any Alteration thereof, or Derogation thereto, in any Sort, for ever. Besides which plenary Security in Law, our Church hath, for her Encouragement, not only the Royal Promises, but also the religious Oath of our gracious Sovereign, who, at his Accession to the Crown, hath sworn and subscribed,

subscribed, That he shall inviolably maintain and preserve the Settlement of the true Protestant Religion, with the Government, Worship, Discipline, Rights and Privileges of the Church of Scotland, as established by the foresaid Laws, &c. What then, hath a Church, so dutiful and loyal, so well established and secured, to apprehend or dread from such a King and such a State? And why should their great Names be borrowed and abused for crushing the above Proposal, which hath nothing in it prejudicial to their Interest or Authority, as much regarded by those that make and urge that Overture, as by any that may withstand the same?

2dly. If, to the foresaid Proposal, it be objected, That, as the Law now stands, a Presentation accepted is necessary to the legal Settlement of any Vacancy, and to the intitling the Person settled to the Benefice belonging to the Place, I need only reply, that this Objection is founded upon a palpable Mistake in Law and Fact. There is no such Necessity in the Case. All the vacant Churches in Scotland might be as legally settled, and the Stipends as effectually secured, without Presentations accepted, as with them, to wit, by Presbyterial Calls, *tanquam jure devoluto*, given to Ministers or Probationers six Months after the Date of the Vacancies, respectively, and by Admission, or Ordination following thereupon. This is plain from the forecited Act of the Parliament of Great Britain, *Anno quinto Georgii Regis*, which, *inter alia*, hath these Words, --- Be it enacted by the Authority aforesaid, That, if any Patron shall present any Person to a vacant Church, from, and after the first Day of June, 1719. who shall not be qualified, by taking and subscribing the said Oath, in Manner foresaid,

foresaid, or shall present a Person to any Vacancy, who is then or shall be Pastor or Minister of any other Church or Parish, or any Person who shall not accept, or declare his Willingness to accept, of the Presentation and Charge to which he is presented, within the said Time (to wit of six Months) such Presentation shall not be accounted any Interruption of the Course of Time allowed to the Patron for presenting; but the jus devolutum shall take Place, as if no such Presentation had been offered; any Law or Custom to the contrary notwithstanding, &c.

Now, supposing all the Ministers and Probationers in this Church were so true and honest to her known Principles, and so tender of her Peace and Safety, as not to accept a Presentation to any Vacancy from any Patron, then, and in that supposable Case, every Vacancy might and would be, as many have been, legally settled, in Terms of the foresaid Act of Parliament, by the Presbytery of the Bounds, in which it lies; and every such Settlement, upon a Presbyterial Call, followed with Ordination or Admission, would more completely secure the Stipend to the Person settled, than any Presentation, however explicitly accepted, could do: For no Patron, by his Presentation accepted, or by any other Act or Deed of his, or of his Presentee, can, without a Presbytery's Concurrence in their Acts of Ordination or Admission, settle any Vacancy, or intitle any Man to the Benefice belonging to it; but every Presbytery, after the Right of planting hath fallen into their Hands, can, without the Patron's Concurrence, do both, by their own ecclesiastick Acts or Deeds above expressed.

I am, however, of Opinion, *That*, albeit the Proposal I maintain should take Place, yet all the Honour,

notre, Deference and Regard, that can consist with the Principles of our Church, should be paid by her Judicatures to the respective Patrons ; *That*, in planting of Vacancies, Respect should be had to their Inclinations duly intimated ; and *that* the Persons recommended by them, being agreeable to the Parishes concerned, should, *ceteris paribus*, be preferred to all other Candidates. Would the honourable Persons entitled to Patronages (to make no Question about our gracious Sovereign, the Royal Patron of many Parishes) rest satisfied with *this*, and with the other Privileges belonging to them as Patrons, their so doing would, I am sure, remarkably manifest their good Affection to our happy Constitution in Church and State, and their Concern for the Welfare and Tranquillity of both ; to which great Ends, the Ministry and Judicatures of the Church can never so effectually contribute, while under the Yoke of Patronages, as when relieved thereof, or made easie under the same.

3dly. If any have the Front, as some have had, to alledge, that, to accept a Presentation from a Patron is the same Thing, and nothing worse, as to accept of a Call, *tanquam jure devoluto*, from a Presbytery, upon which the Right of planting is devolved, I cannot help thinking them far gone in Assurance, Ignorance, or hurtful Politicks. Do they believe, or would they have others to imagine, that a Patron, as such, living perhaps at a great Distance from a vacant Parish under his Patronage, having no Heritage or Dwelling-Place in it, and no Acquaintance with the Circumstances of it, is, *notwithstanding*, as much concerned for the spiritual Welfare of that People, and as competent to provide them with

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a fit Person to take the Charge of their Souls, as is the Presbytery in whose Bounds that Parish lies, and under whose Inspection it is? Or that such a Patron, or indeed any Patron, hath, in this ecclesiastick Affair, the same, or equal Power, Warrant, or Authority, with a Presbytery, from the *chief Shepherd and Head of the Church*? Or that a Presbytery's Power of giving a Presbyterial Call, is only the Patron's Power devolved upon it, or a Power derived to it from him, or from civil Authority? He that can believe these Things, may, but to me they are incredible!

For, abstracting from the plain Difference might be assigned betwixt a Patron and a Presbytery, in Point of Concern and Competency to provide a Parish with a proper Pastor, there is, I am sure, a greater Difference betwixt them, in Point of Right or Power. The Patron's Right or Power to *present*, is purely *civil* and *human*; but the Presbytery's Right or Power to *call*, is *ecclesiastick* and *divine*; the one without Warrant from the Word of God, the other expressly warranted and authorized by it. Now, as the *Deeds* proceeding from these Powers, must participate of their respective Natures, and, of consequence, be, *toto cælo*, different from one another; so must the Deed of a Candidate, in accepting a Presentation from a Patron, be as far different from the Deed of accepting a Call from a Presbytery. In the one Case the Candidate homologateth a *Deed of Encroachment* upon the Church, contrary to his Duty and professed Principles; whereas, in the other Case, he assenteth to a *Deed of Right* performed by the Church, and, according to his Duty, consenteth to accept of the ministerial Office, and the particular Charge he is lawfully called to.

A Presbyterian Call accepted, in some Form or other, is necessary to every lawful Settlement of a Minister in a well constituted Church. The Shape in which it comes out doth not alter the Nature of the Thing. An ecclesiastick Mission, or a valid Ordination to the Ministry, is necessary to complete the ministerial Calling and pastoral Relation; and this Mission, or Ordination, doth necessarily imply and presuppose a Presbyterian Call given and accepted, some how or other, to, and by the Person missioned or ordained. To imagine an Ordination, without any previous Invitation, *virtually*, if not *formally*, given and accepted, is very absurd! No such Thing happens, nor can happen in this Church; for, when a Presbytery concurs with the Election or Call of a Parish in their Bounds, here is a Presbyterian Call *in their Concurrence*; when, by a Presbyterian Act, they make Choice of a Person to be sent to a Parish, that will not, or cannot make a Choice for themselves, then here is a Presbyterian Call *in their Deed of Election*. Yea, when a Presbytery takes a Candidate upon Trials, in order to his Settlement in such a Parish, here is a Presbyterian Call to that Place, in case he be found qualified for the same, and nothing occur to impede his Ordination or Admission. In these, and such like Presbyterian Deeds put forth in their Master's Name, consists the *Essence* of their Call or Invitation; and not in any Extract thereof, or any formal Document written out upon a Piece of Paper, which may be necessary for a legal or secular Effect, but for nothing else. In like Manner, a Candidate's *Acceptance* of a Presbyterian Call, without any formal Writ, may be several Ways given; yea, it is *virtually* included, in every Act of Submission, he yields

to the Judicature calling; as in his submitting himself to Trials *in ordine ad locum*, and the like: And altho some do pretend, that the *jus devolutum* is nothing else but a Continuation of the Patron's Right to the Presbytery, upon the Expiration of the six Months, allowed by Law to the Patron for the Exercise of it, and from thence take Assurance to infer, that accepting a Call from a Presbytery, *tanquam jure devoluto*, is equal to accepting a Presentation from a Patron; I must beg Leave to affirm, that, as Presbyteries have an essential and inherent Right, in the Settlement of a Minister, from the Lord Christ, which, being suppressed for a Time, as to the Exercise of it, by the Effect of the civil Law, in favours of Patrons, doth, after expiring of that Time, revive, revolve, or return to its proper Subject, and is, by divine Warrant, exercised thereby, when liberate from that legal Restraint; so the *jus devolutum* can amount to no more than a Removal of that Restraint, by an Accumulation of the civil Right with the spiritual, thus revived and restored to its Freedom, in the Exercise of it. Now, this being the Case, I cannot imagine with what Face it can be said, that, to accept of a Presentation from a Patron, is *the same Thing, and nothing worse*, as to accept of a Call, *tanquam jure devoluto*, from a Presbytery! unless it be alledged and proven, which is impossible, That a Patron's Presentation accepted, is upon the same *divine Footing* with a Presbyterial Call accepted, and equally necessary to the ministerial Vocation, and pastoral Relation.

Nor is it any Thing to the Question in Hand, that the Presbyterial Call is given *tanquam jure devoluto*. These Words of the municipal Law of the Land can never alter the Nature of the Thing, the Nature,

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to wit, of the Presbytery's Act established by the Law of God. A Presbytery's Right of calling a Minister, to any vacant Charge in their Bounds, is nowise derived from the Patron of that Parish, but wholly from *Christ* the Head of the Church; their Call is not given, *tantum jure devoluto*, but *tanquam jure devoluto*, as it were by a devolved Right, in the View of the civil Law, but *by no such Right* in the View of the divine Law. It is not the Patron's civil Right devolved upon Presbyteries, but their own ecclesiastick Right *revolved* upon them, and restored to them, that is exercised by them in their Presbyterial Calls. Upon the Whole, it appears to me, as, I hope, it shall to others, That there are very essential Differences betwixt a Patron's Presentation and a Presbytery's Call, *tanquam jure devoluto*; and, of consequence, that, to accept of the one cannot be the same Thing, and nothing worse, as to accept of the other.

In the last Place, if it be objected against our Proposal, as by some it hath been, That this Church, in purest Times of Presbytery, hath allowed her Probationers to *accept of Presentations*, as in the Years 1642, 1643, &c. I briefly reply, That an Argument from a *President*, be it ever so good and binding, can be no further conclusive, than the Cases compared are parallel; and, of consequence, this Argument must fall to the Ground, because the Cases are vastly different. At the Time cited in the President, this Church made *the best was possible* of her then Circumstances, with the State, in relation to Patronages; and that she should *do so now*, is all I want, or have proposed. Had our Church *then* had such an Act of Parliament in her Favours as I plead upon, and had

had, notwithstanding, allowed her Expectants to accept of *simple Presentations*, our Objectors had indeed had something to say, but that they want. Nay! had such an Act existed *at that Time*, it is more than probable I would *now* have had a *plain President* for my Proposal. This Probability, I think, is well founded upon the Acts of the Church, made or ratified about that Time, *discharging* her Dependents (which was all could be then done) from *competing with Patrons about their Presentations*; particularly, upon Act of Assembly, 1596. anent the Entry and Conversation of Ministers, *Sc. ratified* by the Assembly, 1638. whereby it is ordained, amongst other Things, *That none seek Presentations to Benefices, without the Advice of the Presbytery within the Bounds whereof the Benefice is; and if any do in the contrary, that they be repelled as rei ambitus.*

It is true indeed, that, at the Time cited by our Objectors, the Church, under great Discouragements from the State, could make no better of her Circumstances, with respect to Patronages, than to appoint the respective Presbyteries, upon any Vacation in their Bounds, to send to the King, or other Patron, a certain List or Roll of Six well qualified Expectants, willing to accept of the Presentation, out of which they might choose one for the Place, &c. But what was it these Expectants were willing, and had Allowance, to accept of? Was it *bare Presentations*, like those now in Fashion, given by Patrons at their Pleasure, without regard to the Judicatures of the Church or Parishes concerned? No, far from it! It was of Presentations to Charges; or rather of these Charges themselves, for which Presbyteries, Synods and Assemblies had listed them, and judged them qualified, and in which

which the most, or best Part of the respective Parishes had previously consented to their Settlement ; as is plain from the Acts of Assembly, *Sess. 7. 1642.* and *Sess. ult. 1643.* betwixt which Case, and the Case here in question, there are such *glaring Instances of Disparity*, that the one can never be any President for the other, nor any Argument against my Proposal ; which I leave under Consideration, and proceed to another Head.

CHAP. III.

Of Election of Pastors ; the Subject thereof, or Persons vested, jure divino, with that Power ; and the Manner of presiding and proceeding in that Affair.

ELECTION of Pastors, being a Step of great Importance towards their Ordination or ecclesiastick Mission, it must therefore be the Duty and Interest of this Church to regulate the same, according to the Rule of God's Word ; particularly, to restrict and extend the *Power of Electing*, to such as, by that Rule, are intitled to it, and authorized to exercise it ; and to direct the Manner of Proceeding in all Elections, as may be most consistent with the Rights of all concerned, and most conducive to the intended End. Upon this Subject, I presume to offer what Thoughts occur to me, in the following Sections.

SECT.

S E C T. I.

Of the Subject of Election, or Persons vested with that Power.

IT is not my present Business, nor any Part of my Design, to prove, that the People of God have a Power, Right, or Privilege, *jure divino*, to choose their own Pastors; this, being a Principle of our Church, adopted many Times by her Adversaries to serve their own Purposes, needs not be cleared to her or them; nor seems it necessary, on this Occasion, for me to insist upon the Question, whether the People's Power in this Matter, should be exercised by themselves or by their Representatives, by every Individual amongst them compearing personally and voting in the Election, or by the Eldership only, with Freedom to them to *assent* or *dissent* as they incline. The last of these is indeed the Way prescribed by this Church, in that *Directory for Election of Ministers*, made by the General Assembly, August 4. 1649. which, I humbly think, makes no Encroachment upon the People's Power, altho' it allows the Eldership, as their *Representatives*, to go before them in the Exercise of it, *providing* their Inclinations, intimated in their *Assent* to or *Dissent* from the Election, be duly regarded, as they always ought to be.

Power in a Community may, no Doubt, be preserved safe and intire, by a due Representation, as well as by the personal Acting of every individual Member. Thus, the Power of Presbyteries, and of every Presbyter, is preserved and exercised by their Commissioners or Representatives, in the General Assembly of this national Church, duly constitute, albeit every Individual

vidual concerned, cannot have Place or Vote therein; and, in the present Case, some Sort of Representation must needs be allowed. All that are to be under a Minister's Care and Charge cannot have a Voice in his Election, yet may have a Hand in it suitable to their Sphere and Capacity. Husbands, Fathers, and Masters, must be allowed to represent their own Families, their Wives, Children and Servants; and yet these *represented* may have their Share in the Election, by influencing, with religious and rational Arguments, those their *Representatives*, in favours of one Candidate rather than another.

It is not, however, the Exercise of the Right or Power of Election I principally intend to consider; but the *Subject of this Power*, or People vested by divine Authority with it; whereanent I beg Liberty to affirm, That *they of any vacant Parish or Congregation, who have a divine Right to nominate or elect their own Pastor, are only the intelligent religious People of God that reside in that Parish, and are of the same Profession, Principles and Communion with the Church whereof that Congregation is a Part, and with the Pastor to whose ministerial Care they are to commit themselves.*

This complex Proposition I intend to clear by Parts, after I have premised, that I take *Nomination and Election of Pastors as equipollent Terms*, and understand by them the same very Thing, to wit, *An Intimation of the People's Consent, and Inclination to have such a Man to be their Minister.* I know indeed there are some of our Communion that understand these Terms very differently. They allow the People the Nomination of their Pastor, but restrict the Election to the Eldership of the Bounds, or the Presby-

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tery. For this they alledge the Authority of our **second Book of Discipline, Chap. 7. Parag. 21.** and I am not to contend it with them, or make a Logomachy about it, providing the People, under any Name or Term, have the *Thing* that is due to them, which our Church, in the foresaid Book of Discipline, secures, while it is declared, **Chap. 3. Parag. 8.** of that Book, *That no Man is to be intruded, into any Office of the Kirk, contrary to the Will of the Congregation, &c.* and in the first Book of Discipline, (**Art. 4.**) *of the Ministry*, it is said, in so many Words, *No Man should enter into the Ministry without a lawful Vocation; the lawful Vocation standeth in the Election of the People, &c.* So that Election, in these Books of Discipline, is sometimes ascribed to the People, and sometimes to the Presbytery; because, as I conceive, both have their separate, tho not opposite Interests therein. The People have a Right to nominate the Person they incline, and can consent, to be their Pastor, which may be called their Election; and the Presbytery hath a Right to judge of their Nomination, and if good, to agree to it, and concur with it; which may be called the Presbytery's Election, tho more properly, I think, their *Call*, according to the Mode of speaking now in Use. Be called as it will, the Presbytery's Interest, in this Matter, is not destructive of the People's; but yet, I own, it is so great, that such as make them Electors, in any Sense, may be ashamed of those who put their Presbyterial Call upon the same Level with a Patron's Presentation, and say, *It is the same Thing, and nothing worse, to accept of the latter as of the former!* But this by the Way. I now proceed to the Proof of what is affirmed in the above Proposition.

First

First then, I have said, It is the *intelligent religious People of God*, in any Congregation, who only have a Right to nominate or elect their own Pastor. The last of these Qualities supposeth the first, in some competent Measure or Degree, and disposeth the Persons, so qualified, for the suitable Exercise of that Right which belongs to them; and that it belongs to them, and them only, (whether they are Elders, Heritors, or Heads of Families) to choose their own Pastor, seems evident from the Word of God, as well as agreeable to the Acts of our Church, and Sentiments of our Divines, both ancient and modern.

The Gospel-History, left upon Record for our Instruction, makes it plain, that the Persons allowed by the Apostles to have a Concern in the Election of *Matthias*, and the Multitude that, by their Direction, did elect the seven Deacons, were all of them *Disciples* and *Brethren*, i. e. Followers of the same Lord and Master, Children of the same heavenly Father, and Members of the same Household of Faith with the Apostles themselves, so they are designed, *Acts* i. 15, 16. and vi. 2, 3. Ignorant, immoral, or irreligious Persons, nowise intitled to these honourable Designations, tho living within the local Bounds of a Parish, must have as little Interest in the Choice of a Pastor to it. Ministers being Ambassadors for Christ, Stewards of his Household, and Overseers of the Flock purchased with his Blood, it is not supposable that he, *who was faithful in all his House*, Heb. iii. 2, 6. would have intrusted the Choice of such Office-Bearers, to any but his own Friends and Disciples, concerned (as Enemies cannot be) for his Glory, and the Edification of his Body, the Church. Therefore our Assembly, in the Directory for Election of Ministers, *anno* 1649. have justly

debarred all immoral, scandalous, disaffected and malignant Persons, from having any Hand in the Election. And such of this Church as have written with greatest Warmth and Keeness, in Defence of the People's Right to choose their own Pastors, have restricted the same, as the Ancients did, to the *Religious* and *Discerning*. Thus, our pious and worthy Professor *Rutherford*, speaking on this Subject, in his *Due Right of Presbytery*, Page *mibi* 201. says, *Election is made, either by a People gracious and able to discern, or by a People rude and ignorant; the former is valid jure & facto, the latter not so.* And the Reverend Mr. *Lauder* at *Mordington*, no mean Champion for the People, says, in his *Ancient Bishops considered*, Page 347. *Supposing a People are graceless, and unconcerned about their spiritual State, in that Case I do not pretend that they have the Right of Elections, this being a Privilege which belongs to these who are a plebs obsequens præceptis Dominicis, & Deum metuens, to use, saith he, Cyprian's wise and judicious Words.*

2dly. I have said, It is the *People residing in a Parish* that have Right to choose a Minister to it, and not any extraneous Person living at a Distance therefrom, or being a Member of another Congregation. As *Paul* in his Vision, *Acts* xvi. 9. was called to *Macedonia* by a Man of *Macedonia*, so must a Pastor be called to a vacant Congregation by the Men of that Congregation, who can say, as Non-residenters cannot, *Come hither and help us.* To this Purpose I think it observable, That albeit the Call, mentioned in the forecited Text, *by a Man of Macedonia*, or by an Angel appearing, standing and intreating *as such*, was different from the ordinary Way in which God used to intimate his Mind to his Apostles, yet *Paul* and

and his Fellow-Labourers *assuredly gathered*, as appears from the tenth Verse, that the Lord had called them to preach the Gospel to that People, in whose Likeness, Language and Name, the Angel had appeared and spoken.

I have *indeed* all just Regard for such Persons of Quality, and Gentlemen of Distinction, as have, or may have Heritage in several different Parishes, in which they do not reside, and incline to pay them all the civil Honour, Respect and Deference that is due to their Station, Character, or Merit ; but I can find no Ground to think, that they, or any of them, have any divine or ecclesiastick Right to vote in the Election of Ministers to all the Parishes in which they have Heritage, or in the Election of a Minister to any Parish in which they do not reside, and hold Communion in Gospel-Ordinances. The Right of Election, in my Opinion, is not founded in Heritage transmittable by Parents, or purchasable by Money, but in Religion, divine Institution, and sacred Relation betwixt the Electors and the Person elected ; and therefore Heritors can have no Interest in that Affair, as Heritors, but as religious Parishioners only. Hence is it, that, in the Directory for Election of Ministers, made by our Assembly, *anno* 1649. there is not the least Mention of Heritors as such ; why ? because they, *qua Heritors*, are not Electors, and they, *qua Heritors*, are comprehended in the Session or Eldership, and in the People of the Congregation interested in the Election.

3dly. I have also said, in the above Proposition, That *such, and such only, have a divine Right to nominate or elect a Pastor to a Congregation, as are of the same religious Profession, Principles and Communion with the Church*

Church whereof that Congregation is a Part, and with the Person to whose ministerial Care they incline to commit themselves. This, I think, is so clear from Revelation and Reason, from the Nature of the Thing, and the Relation of Parties concerned in it, that I need not dwell long upon the Illustration of it.

From the first Chapter of the *Acts* of the Apostles, it is evident, That the Persons discoursed by the Apostles, as concerned in the Election of one to fill the Room of *Judas the Proditor*, were none of them the *Adversaries* of the Gospel-Church then erecting, nor were any of them *Dissenters* from the Apostles, in their Profession, Principles, Worship, or Communion. They were not Scribes or *Pharisees*, or any other of the disaffected *Jews*, prejudicate against the holy Religion professed by the Apostles, and by the Candidates, of which one was to be chosen; but they were *Disciples of the same Master with the Apostles*, *Servants of the same Lord*, *Brethren of the same spiritual Fraternity*, *Professors of the same Faith and Religion*, and such as with one Accord attended upon the Apostles, and the Ordinances dispensed by them, as may be gathered from *Acts* i. 14, 15, 16, 21, 22, compared with *Acts* ii. 1, 42, 46.

And, if the Election of the Deacons, narrated in the sixth Chapter of the *Acts*, be an *apostolical Pattern*, *Prescript*, or *Ordinance*, according to which the Election of other Church-Officers is to be regulated, as our best reformed Divines affirm it is; then it must necessarily follow, That Pastors must be elected by those of their own Communion only, or by those in Communion with the Church whereof they are Pastors, or Candidates for the pastoral Office. Thus it was in the Case of the Deacons, as appears

appears from the second and third Verses of the Chapter now cited. In the second Verse, it is said, *Then the twelve called the Multitude of the Disciples unto them, &c.* Now, if that Multitude had not been of the same Profession, Principles and Communion with the twelve Apostles that called them, why would they have got the emphatical Designation of *Disciples*? Why would the Apostles have called them upon such an Occasion? And how is it supposable, that they would have regarded, or answered upon their Call? Yet, in the third Verse, we see, that the obsequious Multitude did convene, and were discoursed thus, *Wherefore, Brethren, look ye out among you seven Men of honest Report, &c.* Where were these Brethren of the Apostles, the Electors, to look out those Men to be Deacons? No where but among themselves, ἐξ ὑμῶν. Whence it evidently appears to me, That, in this Pattern of ecclesiastick Elections, the Electors and Elected were of the same ecclesiastick Society, Profession and Communion with one another, and with the Apostles who presided in the Election; and that there was no *Dissenter* from the Gospel-Church called, or allowed to have any Hand in that Affair. Now, if Deacons, the lowest Degree of Church-Officers, are not, according to this Pattern, to be nominated, or elected by any of a Fraternity, or ecclesiastick Community different from themselves, or from the Church in which they are to serve, how much less are Ministers?

The Church of God of old was jealous of her Adversaries offering her their Service, and under specious Pretensions to the same Religion, obtruding themselves upon her Affairs. A remarkable Instance whereof we have recorded, for our Instruction, *Ezra*

iv. 1, 2, 3. *Now, saith the sacred Text, when the Adversaries of Judah and Benjamin heard that the Children of the Captivity built the Temple unto the Lord God of Israel, then they came to Zerubbabel and to the Chief of the Fathers, and said unto them, Let us build with you, for we seek your God, as ye do, and we do sacrifice unto him, &c. Verse 1, and 2. But behold the Reply and Repulse given them Verse 3. But Zerubbabel and Jeshua, and the rest of the Chief of the Fathers of Israel, said unto them, Ye have nothing to do with us, to build an House unto our God, but we ourselves together will build unto the Lord God of Israel, &c.*

To what hath been advanced from divine Revelation, for clearing the Point in Hand, a great many Things might be added from Reason to that Effect. It were easie to evince, That, for any Church to admit her avowed Adversaries, Dissenters from her Doctrine, Government and Worship, to make Choice of her Office-Bearers, or to have a determining Hand therein, is quite repugnant to the *Law of Nature*, and *Nature of Society*, to *right Reason* and *common Sense*! But this, I am sure, will readily occur, without my Help, to such as are, in any Measure, acquainted with these Rules of judging, and might be submitted, *in thesi*, to a great Number of our Adversaries themselves, whose Honour and Integrity would not allow them to gainsay so plain a Truth, or to pretend, That, were it their own Case they would willingly admit *Presbyterians* to make Choice of *Prelatical Ministers* or *Candidates* to serve in their Meeting-Houses; and, I hope, they have not forgot that golden Rule prescribed by our *Lord and Saviour*, *Matth. vii. 12. All Things whatsoever ye would*

would that Men should do to you, do ye even so to them; for this is the Law and the Prophets.

Notwithstanding this Rule, and the cogent Reason annexed to it, there will not be wanting, I fear, Abundance of dissenting, as well as non-residing Heritors, who will lay Claim, as Protestant Heritors, to a Share in the Election of Ministers to those Parishes in which they have Interest; and, I own, they have considerable Encouragement so to do, not from the State only, but from our Church also, which, from the Year 1690. hath, in consequence of an Act of Parliament then made, allowed them that Privilege; and, in the last general Assembly, hath made some Steps towards the converting of that civil Law (abolished by the Act restoring Patronages, anno 1711.) into an ecclesiastick Law, or Constitution, in their Favours.

Such as are acquainted, in any Measure, with my Principles and Character, will readily believe, that I am exceeding unwilling to impugn any Practice, Act, or Opinion of the Church of Scotland; and that I would, if I could, far more heartily apologize for her, or stand in Defence of her; but, at the same Time, I may be thought capable to adopt that Saying of a mere Philosopher, *Amicus Plato, amicus Aristotiles, sed magis amica Veritas*; if not that of a great Apostle, 2 Cor. xiii. 8. *We can do nothing against the Truth, but for the Truth.*

As for the Practice of this Church, since the Year 1690. in admitting non-residing and dissenting Heritors to vote in Elections of Ministers, I think it imputable to Necessity rather than Choice, else I should not offer the least Word of Apology for it. The Necessity, I mean, did arise from an Act of Parliament

made that Year, *Annulling and making void the Power of Patrons of presenting Ministers to vacant Churches, &c.* but, at the same Time, *statuting and ordaining, That, in case of the Vacancy of any particular Church, and for supplying the same with a Minister, the Heritors of the said Parish (being Protestants,) and the Elders, are to name and propose the Person, to the whole Congregation, to be approved, or disapproved by them, &c.*

This Act, no Doubt, was intended in favours of this Church, and had some Thing *indeed* very favourable in it. It relieved her of the grievous Yoke of Patronages, and put the Election of Ministers upon a Footing better than the former, tho' not so good as could have been wished for. The Good however was in it made the rest go down with the greater easiness, or less Reluctancy; and that, with a just Regard to the State, induced the Church, seeing no better could be made of it, to acquiesce in that Law, less oppressive than the former Yoke. But I am far from thinking, that the said Law, or Act of Parliament, was every Way agreeable to this Church, or that it was, as some have alledged, concerted, or contrived by her.

This I judge a Mistake in Fact, and an injurious Imputation upon the Principles of our Church, in that Affair, which are not to be concluded from any Thing then done by the State, how favourable soever, but from her own former Acts, particularly her Directory for Election of Ministers, enacted by the general Assembly, *anno* 1649. wherein there is not, as I have already observed, any the least Mention of Heritors, as such, far less are they joyned, if Protestants, with the Elders, as the chief Electors. This Power was
 granted,

granted, and Conjunction made, by the State, in these general Terms, to gratify Heritors, it would seem, and not the Church gratified at the same Time, tho' not in the same Thing, by the Abolition of Patronages.

Nor, from the good Understanding was then betwixt the State and the Church, can it be inferred, as some would have it, that the Act, I speak of, was wholly of the Church's Contrivance, and agreeable to her Mind. I am sure it was otherwise as to some other Acts made at that very Juncture, and why not as to that Act likewise? It was otherwise, for Instance, as to the Act *abolishing Prelacy*, past in favours of this Church, upon the 22d Day of July 1689, *Parl. Sess. 1. K. W. and Q. M. Which Act* is intirely bottomed upon the Inclinations of the Nation, and Generality of the People, without the least Mention of the Word of God! Now, is it supposable, by any thinking Person, that this infallible Rule, Model and Standard of ecclesiastick Government, would have been omitted in that Act, had it been of the Church's Contrivance, or agreeable to her Mind in all Respects? As little supposable is it, by me, that the Act, 1690. was contrived by our Church, or that, if it had, there would have been in it any *blending of Heritors and Elders* (especially of non-residing or dissenting Heritors) in the Election of Ministers.

It cannot, however, be denied, but this Act, annulled by the State, is now revived by the Church, at least by a Party in it; which was in Case, at the last Assembly, 1731. to carry all before them, as they did, by the irresistible Argument of a *Vote*! And, if the next Assembly be of the same Way of thinking and proceeding, we shall then have an ecclesi-

astick Act, according to the Model of the Act of Parliament, 1690. crammed down our Throats by the Authority of the Church, without any Thing from the Word of God to make it passable. This, I fear, will be hard to digest with very many, and quite chocking to not a few of Ministers and others, as well affected to our happy Constitution, in Church and State, as any in the Nation.

The Truth is, such an Act, as is now upon the Anvil, an Act, *to wit, Conjoyning with Elders, all the Heritors (being Protestants) of vacant Congregations, and making them Electors of Ministers, whether they reside in the Parish, or not, and whether they are, or are not, of Presbyterian Communion, &c.* Such an Act, I say, appears to be both *unwarrantable* and *inexpedient*.

Unwarrantable it must be, if it hath no Foundation in the Word of God, the Rule of Church-Policy and Privileges; and that it hath none, but upon the contrary, I hope, I have cleared already with Respect both to *non-residing and dissenting Heritors*. The Lord Jesus Christ, the Head of the Church, being the only Legislator therein, and having alone the Power of making *primary Laws*, with Respect to the Policy of his own House, and Privileges of his own Members, hath intrusted his Church with a Power of making *secondary Laws* *allenary* Laws, I mean, for enforcing the Observance of the Laws made by himself, and regulating the Execution of the same; but hath committed to her no *legislative Power*, properly so called. How unwarrantable therefore and presumptuous must it be for any Church upon Earth (and how unlike to the Church of Scotland) to make any Act, Ordinance, or Appointment

that

that hath no Foundation in the Laws of Christ, recorded in his Word, but is inconsistent therewith, and contradictory thereto! Of this Sort, I am afraid, the Act, now in question, will be reckoned by the best Part of the Church of Scotland. For,

First, The Conjunction made by this Act, of Heritors with Elders, considered either as Church-Officers, or Representatives of the People, appears to be unscriptural, as well as unnatural. If Elders are considered in the first named Capacity, then Heritors, who are not Church-Officers, cannot be joyned with them in the Exercise of any Part of their ecclesiastick Office, without a palpable Intrusion into, and Invasion of that Right God hath committed to them, as Office-Bearers in his House. And, if Elders are considered, in the Election of Ministers, as the *Representatives of the People*, how can they, acting in this Capacity, be joyned by the Heritors, who cannot pretend to represent the People in *sacred Affairs*, whatever they may do in civil Matters! Yea, Heritors, tho they be of higher Station, and greater Regard in the World, than the Populace, yet, as Christians, having Interest in the Election of Ministers, they are but a Part of the People, and, of consequence, are represented in that Affair by the Elders, as well as the rest of the Congregation. How then can Heritors, a Part of the Congregation only, be conjoyned with Elders, their own Representatives, while the rest of the same Congregation, equally related to these Representatives, and equally intitled to vote with them, are secluded! With God, we are assured, *there is no such Respect of Persons*.

2dly. This Act makes all Heritors (being Protestants) Electors of Ministers to all the Parishes in which

which they have Heritage, be their own Place of Residence where it will, and their Protestant Profession, Principles and Communion, what they will: How far this is agreeable, or rather disagreeable to the Rule of God's Word, I have but lately endeavoured to discover. I have only now to add, That this Act seems to found the Right of *non-residing* and *dissenting Heritors* to joyn the Elders in the Election of Ministers, either in their being Heritors of the Parishes concerned, or in their being Protestants. Neither of which can I think a good Foundation for such a Claim. Why? to found their Title in Heritage, or to make them Electors, *qua Heritors*, is very absurd, as well as antiscriptural; for, if they are Electors, *qua Heritors*, then a Pagan, residing in *America*, upon his Purchasing, which is not impossible, an Heritage in *Scotland*, becomes an Elector of a Christian Pastor, to that Parish in which his Purchase lies. And thus a Spiritual Privilege is dependent upon a worldly Inheritance; yea, as a Perquisite, or Appurtenance belonging to Heritage, it is purchasable by Money! than which nothing can be more absurd, nor any Thing more contradictory to divine Revelation and right Reason.

Nor will Heritors their being Protestants solve all the Difficulties that stand in the Way of their being Electors. For, *first*, They may be Protestants, and yet not reformed Protestants; they may be, notwithstanding their Protestantcy, *Arians*, *Socinians*, *Quakers*, &c. and therefore very unfit to joyn with our Elders, in choosing reformed Pastors to reformed Congregations. To this Privilege, such Heritors, tho Protestants, have no more Right, and should have no more Access, than the Heritors of *Jerusalem*

Jerusalem had to concern themselves in the Election of
Matthias, or to joyn the Multitude in the Election of
 the seven *Deacons*; wherein we find, from Acts 15
 6. they had not any the least Hand. 2dly. Heri-
 tors may be Protestants, and yet have an immedi-
 ate ecclesiastick Relation to the Parish in which their
 Heritage lies, and to which a Minister is to be elect-
 ed; they may reside (as some do) at two or three
 hundred Miles Distance from that Parish. In which
 Case, if their Heritage gives them no Title to be Elec-
 tors, as is just now cleared, then their *Protestantism*,
 or their being Protestants, can give them none either;
 otherwise this Absurdity must follow, That all the
 Protestants within two or three hundred Miles Dis-
 tance to the Parish concerned, must be Electors of
 a Minister thereto! For all these Protestants have the
 same Right of *Protestantism*, and have the same spiri-
 tual Relation (and some of them a much nearer) to
 that Parish, than those distant Heritors have, who
 differ from those other Protestants in nothing else but
 their Heritage within the Parish, which can give
 them no Preference in a Case of spiritual Privilege, or
 ecclesiastick Power. 3dly. If, according to the Act in
 question, Heritors, *qua* Protestants, are joyned with
 the Eldership in the Election of Ministers, why are
 not the other Parishioners, *qua* Protestants, joyned
 with them also? This, I think, is *Injustice*, and *Par-
 tiality* with a Witness! It implies, in my Appre-
 hension, That *Protestantism* in Heritors is another and
 better Thing, and intitles to other and greater Church
 privileges, than *Protestantism* in other Christians that
 have no Heritage; That Protestant Heritors, dissenting
 from this Church in her Doctrine, Worship and Go-
 vernment, and disowning perhaps the Validity of Or-
 dination,

dination, and other Ordinances dispensed by her, have, notwithstanding, a greater Interest in the Election of her Ministers, than have Protestant Tenants of her own Principles and Communion; and *that* even such Heritors (being Protestants) residing at many Miles Distance from the Parishes in which their Heritage lies, have however a better Right to be joyned with the Eldership, in the Election of Ministers to these Parishes, than have the Tenants (being Protestants) residing therein, and holding Communion therewith! Now, what is all this, but *burying the Faith of our Lord Jesus Christ, the Lord of Glory, with Respect of Persons?* What is it, but *giving a partial Regard and Preference, in religious and spiritual Matters, and in ecclesiastick Assemblies, to the Man with the Gold Ring and goodly Apparel?* which is directly contrary to the Apostle's Doctrine, Jam. ii. 1, 2, 3, 4. *Go.*

3dly. The Act in question seems to rob the People in a great Measure, of the Privilege granted them by the *King and Head of the Church*; the Privilege, *to wit*, of electing, or choosing their own Pastors by their Representatives, or themselves. Their Representatives, the Elders, having the whole Heritors of the Parish joyned with them, in making the Nomination of the Minister become, by this Conjunction, in many Parishes, but mere *Cyphers*, serving only to increase the Value of the significant Figures, the Heritors, to which they are added; for, as the Heritors (*Dissenters and Non-Residenters* being included) are often superior to the Elders in Number; so, when their Numbers fall short, their superior Influence and Regard take Place, to bring over a Party of the Eldership to their Side, and to determine the Nomination

as they incline. The People themselves have nothing allowed them, in this Affair, but a *sham Power* of consenting to, or dissenting from the Election, made or influenced, not by their Representatives the Elders, but by their civil Superiors the Heritors, whom, in some Countries, they scarce dare gainsay. And should they adventure, for Conscience sake, to dissent from the Election, yet have they, by this Act, no Security that their Dissent shall be regarded, or that a Minister shall not be thrust in upon them against their Will: albeit Intrusion into any Office of the Church, contrary to the Will of the Congregation concerned, is expressly provided against by our second Book of Discipline, *Chap. 3. Parag. 9.* but, by the intended Act, nothing seems to be so strongly and industriously secured, as the nominating or electing Power of Heritors, being Protestants, be they what else they please! Now, albeit it be thought a small Matter, by some, to compliment Heritors, tho' our Adversaries, with a Vote in our Elections, yet I am perswaded, however much Power, in this Matter, is granted them by the Church, to which they have not a *divine Right* from the Lord, that so much Power is robbed and alienated from the rightful Proprietors thereof, from the *Eldership*, the *People*, or *both*, that have the *divine Title* thereto.

4thly. This Act I except against doth encourage such *tampering and trafficking with Patrons*, about the Time of Presbyteries their proceeding to moderate in Elections, or to sound the Inclinations of Parishes, as cannot easily be accounted for, in Religion, Law, or common Prudence.

Religion obligeth all Men, and Presbyteries, be sure, amongst the rest, to abstain from Evil, yea, *from all*

Appearance of Evil, 1 Thess. v. 22. But, in the Procedure of Presbyteries, during the Time allowed the Patron to present, upon the Footing of his Consent, and in order to his Presenting, after the Inclinations of the Parish is sounded; in this Procedure, I say, and in acting after this Manner, in Concert with the Patron intending to exerce his Patronage-Right, there is, modestly speaking, *an Appearance of Evil*; for there is here, at least, an Appearance of a Presbytery their concurring with, and being subservient to a Patron, in his Design of doing a Thing *morally evil*; presenting, *to wit*, a Minister to an ecclesiastick Charge. This, I say, is *morally or sinfully evil*, in so far as it is the assuming of a Power, in an ecclesiastick Affair, not granted to, or lodged in any such Subject, by Jesus Christ the Head of the Church; and, of consequence, is an *Encroachment upon his divine Institution, and upon the regal Authority of this supreme Lord and Lawgiver*, who hath instituted the calling and settling the Office-Bearers of his House in another Way. On these Accounts, this Act, in itself, being sinful, may be more or less so, according to the Manner in which it is performed, and Circumstances with which it is attended, but can never be altered in its Nature, by any of these, no not by the Presentee his being a fit Person, acceptable to the Parish, which is the best can be supposed in such a Case! Supposing a Patron, being a mere Laick, should have a Right in Law, at some Time during six Months after a Vacancy happens, to preach therein, and administrate the Sacrament of the Lord's Supper, would his delivering sound Doctrine from the Pulpit, and his proceeding in due Form at the Communion-Table, make these Deeds of preaching and celebrating the Sacrament

ment *lawful in him*? Or, supposing him to have a Power in Law, during that Space, to ordain a Minister to supply that Vacancy, would his ordaining a fit Person, agreeable to that Parish, make his Imposition of Hands, or Deed of Ordination, to be *lawful in the Sight of God*? Or, upon these Suppositions, would it be lawful in any Presbytery, by founding the People's Inclinations during the six Months, to concur with the Patron, or subserve his Design, to *preach, administer the Sacraments, or ordain the Minister*? No Presbyterian, I think, can Answer to these Questions in the *Affirmative*; nor alledge a *specific* Difference betwixt the Cases supposed, and that we have in Hand.

But, as a Presbytery's proceeding with a Patron's Consent, within the six Months allowed for presenting, is exceptionable in Religion, so is it in Law, which restrains Presbyteries, for that Time, from making any Step, unless it be upon the Footing of a Presentation by the rightful Patron. Now, if the Person pretending to be Patron, and consenting, as such, to the Presbytery's Procedure, be not really so, must not their Proceeding within the six Months be illegal, and prejudicial to the legal Right of the true Patron, notwithstanding any Consent granted by one that hath no legal Title? Nay, might not such a Procedure, upon such a Consent, be very provoking to the real Patron, and very far out of the Road to him, who, perhaps, was never to have exercised his Patronage-Right, but to have allowed the *jus* to have devolved, and the Place to have been planted in an ecclesiastick, and yet legal Way? This Case, I am sure, of mistaking the pretended for the real Patron, is very supposable, and could not but fall out very frequent-

ly, considering how many Parishes there are in Scotland, about which there are diverse competing Patrons, and how incompetent Presbyteries are to determine the Question amongst them; but tho they are incompetent, and nowise Judges of such civil Rights, yet their Proceeding, within the six Months, upon the Consent of a Person pretending to be Patron (who, for ought they can know, may have Competitors) is a passing Judgment in his Favours, and a sustaining *virtually* his Patronage-Right, in prejudice of all others. This, I think, is too far for a Presbytery to go in a civil Affair; it looks too like an Encroachment upon the Magistrate's Province, and might be complained of, as such, by the injured Party.

In fine, I am of Opinion, that common Prudence may suggest several Arguments against Presbyteries their making Steps toward the Settlement of Vacancies, during the six Months allowed to the Patrons by Law. It plainly tells them, that they ought to give no Man any Handle or Advantage against themselves, or the Interest they are bound to espouse. And what is it else, the Patron, for the most Part seeks, in desiring their Procedure before expiring of his Time, or in consenting to it? Is it that the *jus* of planting may devolve upon them, and fall into its proper Channel? No, by no Means! but upon the contrary, that he himself may exercise his Patronage-Right with their Consent, and with the greater Air of Regard to the Inclinations of the Parish, determined perhaps already, by his own Influence, in favours of his intended Presentee. If this were not the Case, or if the Parish were not, some Way or other, disposed for serving the Patron's End, it is not very probable he would trouble the Presbytery, previous
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to his giving a Presentation, to sound their Inclinations. Another End indeed he may have in View, of a Peice with the former; the procuring, to wit, from the Parish, by the Presbytery's Means, a colourable Pretext, for the Person he intends to present, to accept of his Presentation. A noble End, forsooth, to be encouraged, or operated by a Presbytery! The Patron, however, may make something of it; nay, by the Presbytery's Proceedings, he may gain, but can scarcely lose Ground. Whatever Way the Inclinations of the Parish comes out, he is just where he was, in Case to present whom he wills! For if, by Promise, he hath tied himself down to the Candidate that shall be elected, yet, be sure, he hath reserved to himself, and not given to the Presbytery, the Power of judging, and determining in whose Favour the Election carries, and accordingly can number or ponder the Voices of the Electors, as is best for his Purpose; and, by this Shift, or the Divisions amongst the People, he may, in most Cases, present his own Favourite, with a plausible Pretence of Consistency with his Promise. How prudent then it is for Presbyteries to give such Handles, yea, to make themselves such Tools to Patrons, I leave to be judged!

To what hath been advanced for clearing the Unwarrantableness of this depending Act of our Assembly, something might be now subjoyned to shew the Inexpediency of it to our Church, in her present Circumstances; but, in this, I have somewhat prevented myself, in what hath been said already.

I cannot, however, help adding, That I see no Expediency in this Act, but the greatest Inconveniences threatned by it. There is nothing good and convenient

convenient in it, but what we have already, in as strong Terms, prescribed by former Acts and Directories; particularly by our Books of Discipline, and forecited Act of Assembly, 1649. which, in Subordination to the Word of God, are sufficient, I think, to point out the Way to Presbyteries, in the Election of Ministers; and to multiply Acts, without Necessity, can have no great Conveniency in it.

Some Abettors of this Act, and others imposed upon by them, make a Clamour and Noise, I know very well, as if Presbyteries, in settling of Ministers, went by no Rule at all, as if no Body could know where to find them, or where to fix the Power of Election! But, as I see no Ground for that Outcry, so see I as little Expediency in the Mean proposed for Redress; the Cure appears to be much worse than the Disease, and, at the same Time, to have no Tendency to remove it. Were Presbyteries indeed irregular, or not uniform in their Procedure, then the worst Way in the World, for reducing them to Regularity, would be to give them a Rule they cannot with Freedom observe, because of its Inconsistency with the *divine Standard*! Nor is it imaginable, That the Wisdom, Wit, or Invention of Man, can devise, or contrive any such Rule, as will exactly answer to all Cases, Emergencies and Circumstances. Some Thing therefore must, of Necessity, be left to the Discretion of Judges or Judicatures, who must act in some Cases *ex nobili officio*. Neither is this wanting to Presbyteries; their great *Master* and *Lawgiver* hath not made them mere *Machines*, nor obliged them to move like *Clock-Work*. No certainly! He hath authorized them to act as rational religious Men (in Conformity to the general and special Rules of his Word, the Re-

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Regula regulans, and to the Dictates of their Consciences, the *Regula regulata*) in their complying with, and applying of the A&ts of the Church, and in their deciding Causes that come not under any such subordinate Rule.

But, had a new A&t been convenient for regulating the Conduct of Presbyteries in this Affair, yet sure, it was not such an A&t as I impugn; an A&t about which the Church appears to be greatly divided in her Sentiments, and nothing less threatned by it in her Interests. The Divisions made by this A&t, so far as it hath taken Place already, and these that appear to be inevitable, upon its being further pushed, make the Inconveniency of it, tho there were nothing more in the Case, abundantly evident to me, who can never think a *dividing A&t* is like to prove an *expedient one* to any Society. The Loss of Peace, in my Opinion, is not easily countervailed; and when it can be maintained with *Truth*, as in this Case it may, should never be risked.

Besides this Hazard of Division, this A&t threatens this Church with all the Disadvantages to her Interest Society is exposed to, by having its principal Office-Bearers obtruded upon it by its avowed Enemies; and that these Disadvantages are great and many, an intelligent Mind will more easily conceive, than I can express. If this A&t take Place, then, in all the North of *Scotland*, at least, where Disaffection bounds amongst the Heritors, the most Part of all the Churches that fall vacant must needs be settled at their Pleasure, as the Electors of greatest Number and Influence! These Gentlemen *indeed* are very lucky in their Situation; they have the Choosing of their own prelatiical Ministers, tho few of them are qualified

qualified according to Law, without Control from the State, and are designed to have the Election of our Ministers, by the Authority of the Church ! This is certainly a good Game for them, and, I fear, they shall make more of it than I am willing to express, and no Wonder if they do, when our Church, to say nothing of the State, plays so directly to their Hands ! *Exitus acta probat.*

S E C T. II.

Of the Manner of presiding and proceeding in Elections

THe Persons, in every Congregation, vested with the Power of nominating or electing their own Pastors, and the depending Act of our Assembly relative to that Subject, having been discussed in the precedent Section at greater Length than I intended, I must here be the briefer in treating of the Manner in which Presbyteries are to *preside*, and Parishes to *proceed* in that Affair.

First, As to Presbyteries their Manner of *presiding* in the Election of Ministers, it must, I am perswaded, be varied as Cases and Circumstances happen to require, tho still in a Consistency with the general Rule of God's Word, and Directions of the Church consonant thereto ; but while they are not tied down to any particular Form, I have the greater Freedom to suggest the following Thoughts.

It seems to me most proper, That Elections be presided in, by the *whole Presbytery*, rather than by one or two of their Number. To support this Suggestion I have the authentick Pattern of the *Apostles*, who

in the Election of *Matthias*, and of the *seven Deacons*, did *all preside* (as an ecclesiastick Court, no Question) and give out their Directions thereanent; as is plain from *Acts* i. 13. &c; and *Acts* vi. 2, &c. The Nature and Importance of the Thing seem likewise to plead for the Presbytery's Presence and Authority, for managing the same aright; especially when there is any Discrepancy about the Electors, or any Division amongst them about the Candidates, or List out of which the Election is to be made. In such Cases, which rarely miss to fall out, it must needs be convenient, if not necessary, that the whole Presbytery, as a Judicature, do preside in the Affair.

Previous to the Election, and in order thereto, two Things seem incumbent upon the Presbytery *presiding*, viz. To determine who are, and who are not Electors, or Parties concerned in the Election; and to concert, with those Electors and Parties concerned, a List of fit Persons, out of which the Election or Nomination of a Minister is to be made. Both of these Steps are warranted, I think, by the Example of the *Apostles*, in the Elections, before cited, of *Matthias* and the *Deacons*. In the Case of *Matthias*, they, first of all, sustained the Disciples (the Number of Names together being about an hundred and twenty) as interested in that Affair; and accordingly, by their then Prolocutor *Peter*, did bespeak them, on that Subject, under the Compellations of *Men* and *Brethren*, *Acts* i. 15, 16. and then proceeded to make a List of two fit Persons for the Apostolick Office, *Barsabas*, to wit, and *Matthias*, Verse 23. And, in the Case of the *seven Deacons*, nothing can be more plain, than that, immediately before their Election, the *Apostles* did determine the Multitude of Disciples to be the *Electors*, and accordingly called and employed them in

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that Affair, *Acts* vi. 2. And albeit the *Apostles* gave not to, nor concerted with, those Electors, any List, strictly so called, out of which the Election should have been made, yet gave them what was *equivalent* thereto, viz. Such Restrictions, with respect to the Qualities of the Candidates, as bounded their Power, and limited them, in the Exercise thereof, to Persons so qualified *allyenarly*. *Acts* vi. 3.

The Inhabitants of a vacant Parish, whom a Presbytery ought, in my Opinion, to sustain as Electors of a Pastor thereto, or as Parties concerned in the Election, *exclusive* of all others; *these*, I say, have but lately been pointed out and described, by their *Residence, Religion, professed Principles, and stated Communion*; all and every of which should be some Way known or enquired into, before their Admission to this Privilege. The first of these *Requisites*, their *Residence*, to wit, *in the Parish*, may be easily known to the Presbytery, or attested by the Eldership. The second of them, their *practical Religion*, must be presumed, in the Judgment of Charity, in case they are known to the Presbytery, or testified of by the Elders, as Men of sufficient Knowledge and unblameable Walk, who live in the habitual Practice of no known Sin, nor in the wilful Neglect of any known Duty; but are careful to honour God by their Lives, and to worship him in and with their Families. And as to the third of these *Requisites*, their being of the same *professed Principles and stated Communion* with this Church; these are supposable to go together, the Communion, I mean, to follow upon the Principles; and therefore both may be put to one and the same Trial, to wit, their *subscribing, or declaring their Willingness to subscribe our Confession of Faith, as the Confession of their Faith*; which whoever declines should

should be allowed no Voice in the Election of a Minister, of whose Principles and Doctrine, that *Confession*, in Subordination to the *Word of God*, is the *Standard*.

In this Proposal there needs be thought no Hardship; for whoever lays Claim to any Privilege, in any Society, should give Evidence, that he is of that Society, and will not industriously exercise his Privilege to its Prejudice. The *State* hath thought fit, and very reasonably, to oblige *Patrons*, before they exercise their civil Right in presenting Ministers, to give a Test of their *Loyalty* and good Affection to the Government; and why may not the *Church*, upon as good Grounds, oblige *Claimants*, before they exercise an ecclesiastick Right in electing Ministers, to give a Test of their *Orthodoxy*, and Agreement with her in Principles of Religion? The Time was, when neither the *Church of Scotland*, nor the *State*, thought it any Hardship to enjoyn all Ranks and Degrees of Persons to subscribe a Confession of their Faith; as is evident from the Acts of the General Assembly, *April and October, 1581.* and *February and December, 1638.* and *August, 1639.* and from an Act of Privy Council, *August 30. 1639.* and from an Act, *Charles I. Parl. 2. June 11. 1640.* From these Acts, I say, it is evident, that for all Ranks to be obliged to subscribe our *then Confession of Faith*, was thought no Hardship in these Times; and why it should be thought *any*, in our Day, to oblige them that will elect our Ministers to subscribe our *now Confession*, or to lay aside their Claim to that Privilege, I cannot find out!

The Electors being determined, a List of Candidates, out of which the Election is to be made, is

next to be concerted by the Presbytery *presiding*, as I have but lately cleared, or to be agreed upon betwixt them and the Electors; in doing of which a special Regard is to be had to the Qualities required in Gospel-Ministers, by the Word of God, and to the Case and Circumstances of the Congregation *electing*. What the Qualities are, with which Candidates for the Ministry, and Intrants into that Office, in any Congregation, should be endowed, I have, before now, signified, in speaking of *Probationers*, or Persons to be licensed to preach the Gospel, to which I refer. What may be the State and Circumstances of a vacant Congregation, is impossible for me to conjecture, but easy for the Presbytery to discern, and most proper for them, with Consent of the Electors, to make a List of Candidates, whose *Attainments* seem best proportioned thereto. Into which List no Man is to be admitted, but he that is unexceptionable, and will be welcome both to Parish and Presbytery, in case the Election shall go in his Favour.

2dly. As to the Manner in which Parishes should *proceed* in Elections; it ought to be laid before them, as no doubt it will, by the Presbyteries concerned, under whose *Call, Direction and Inspection*, every Step in that important Affair is to be made; according to the Pattern laid down in God's Word, *Acts* i. and vi. and to the Rules of the Church agreeable thereto. They are not, I humbly think, to commence that ecclesiastick Business, or to go on in it, any where, any when, or any how, themselves, or their civil Superiors shall think fitting, but as they shall be called and directed, in all these Circumstances, by their ecclesiastick Guides. Such Meetings of Parishioners in Taverns

verns, and other improper Places, upon the Call of Heritors, or others in their Name, as are too frequent at this Day; such Concerts as are made, and Papers as are subscribed, in these Meetings, without the Presence or Privy of any Church-Judicature; such Meetings, Concerts and Papers, I say, are very improper, irregular and unwarrantable Steps towards the Settlement of a Gospel-Minister; yea, they are, in my Judgment, violent Presumptions of Imposition upon the Persons convened, concerted with, and obliged to consent to, or subscribe such Papers; which therefore should meet with no Regard, nor have any Effect, unless it be to set aside the Subscribers of these extrajudicial Writs, and the Procurers thereof, from having any Hand in the Election, *pro ea vice*.

The Election of a Minister to any Congregation, being a Matter wherein the Glory of God, and Good of his Church, as well as the Interest of their own Souls, are greatly concerned, should be thought upon, and set about by the Electors, with suitable *Deliberation* and *Seriousness*; they should speak out, like *Christians*, the Sentiments of their own Consciences, and not mutter, like *Parrots* the Language of others. Before the Election comes on, they should be well advised; and when it happens, should act an impartial, upright and conscientious Part.

C H A P. IV.

Of the Power of Presbyteries in the Election of Ministers.

THE Adversaries of our Church, in most Parts of the North of *Scotland*, having got the main Hand, by their Voices and Influence, in the Election of our Ministers, there is nothing now wanting, to complete the Disposal of our Northern Vacancies at their Pleasure, but that the Power of Electors, or Parishes electing, be absolute, and incontrollable by Presbyteries; and that the ministerial Calling, and pastoral Relation, be dependent upon Election. Yeild them but these Points, with what they have got already, and are like to get confirmed by the depending Act we lately considered, and *then* have they, in the Settlement of Ministers, a *Monopoly* of ecclesiastick Power, with a *Negative* upon ecclesiastick Judicatures! They have, at this Rate, the Power of the People determined in Elections, by their over-bearing Voices and Influence; and, in and through the People thus determined, they have a Power over Presbyteries, to *constrain* them, by an *incontrollable Election*, to proceed to Ordination; or to *restrain* them from planting the Place vacant, by declining to *make* any *Election*! Nor indeed is it any great Wonder, that our disaffected Gentry lay Claim to all this Power, for themselves, and the Parishes under their Influence, seeing nothing less, upon the Matter, is allowed them by some Members of our Judicatures, who, in pleading their Cause, as Occasion offers, cry down the *dis-*

discretionary Power of Presbyteries, and the *Validity* of their *Mission* or *Ordination*, if it wants the *Election* of a *People* refusing, or, perhaps, not daring to make a proper *Choice* ! But to set these *Cases* in another and truer *Light*, is the *Design* of the subsequent Part of this *Chapter*.

As the distinct *Rights* or *Powers* of *Parishes* and *Presbyteries*, in the *Election* of *Ministers*, are very consistent with one another, and most correspondent to these respective *Subjects* vested therewith ; so ought they to be maintained and exercised accordingly, without any the least *Clashing* or *Interfering*. The *Rights* of the *Christian-People*, in vacant *Parishes*, are not to be invaded, nor at all *inroached* upon ; no more are the *Rights* of the *Christian Pastors* in *Presbyteries*, as nearly, as they, related to *Christ* the *mystical Head*, and more nearly related to him, as he is the *governing Head* of his *Church*. These *compatible Powers*, granted for the same *Ends*, the *Glory* of that *Head*, and *Good* of his *Body*, ought to combine and co-operate together, and not to thwart or oppose one another in pursuing thereof.

It is readily granted, as it always hath been, by me, That the *People* of every *Congregation*, duly qualified, have a *Right* to choose their own *Pastor* ; that great *Regard* is to be had to their *Choice*, and that the *Person* inclined to, or regularly chosen, by them, is, if unexceptionable, to be preferred to all others, and never to be rejected by a *Presbytery*, without just *Grounds*, founded in the *Word* of *God*, and manifest to their *Consciences*. But it is justly questioned, whether a *People* or *Parish* can warrantably go on to an *Election* by themselves, *exclusive* of the *Pastors* or *Presbytery* concerned, or without their directing,
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moderating or presiding in the Affair; and whether they be absolute and uncontrollable in making the List and the Choice, without any *discretionary* Power or Judgment left to the Presbytery thereanent. Both these I beg Liberty to deny, and to affirm the contrary, in Terms of the following Proposition.

As, in all well constitute Churches, Presbyteries have a Right to moderate and preside in all Elections of Ministers, and other ecclesiastick Officers, within the Bounds of their Precinct, so have they a discretionary Power and Judgment, with respect to the List out of which the People are to make the Election, or with respect to the Election itself made by them, a Power, to wit, of regulating the List, and restricting the same to Candidates of such Qualifications, in their Judgment, as are required by the Word of God; or, in case the List is not so restricted, and specially concerted, they have a Power of regulating the Election itself negatively, i. e. of refusing to concur therewith, or proceed thereupon.

The first Part of this complex Proposition, asserting the Right of Presbyteries to moderate and preside in Elections, is plain, I think, from what hath been said already, upon the Manner of their Presiding, in the foregoing Chapter, where I observed, and I now revive the Observation, that, in the Elections of Matthias and the seven Deacons, narrated Acts i. and vi. the Apostles, as an ecclesiastick Court or Presbytery, did moderate and preside. They proposed these Elections, discoursed the Electors, or Persons they judged concerned in these Affairs, and gave them Directions anent the Persons to be elected, &c. and all this was done by them (as I shall have Occasion afterwards to clear) as a Presbytery, or ecclesiastick Judicature, acting, in collegio, in virtue of their ordinary pastoral Power,

Power, included in their extraordinary Apostolick Office; and as a *Pattern* to all after Presbyteries in like Cases.

After this *Pattern* our Church hath so far copied, as, in her forecited Directory for Election of Ministers, made by the Assembly 1649. to appoint all such to be *presided* in by the Presbyteries, or by some of their Number, appointed and authorized by them to that Effect; and accordingly it hath been the constant Practice of Presbyteries to *preside* in all regular Elections of Pastors.

The best of our reformed Divines seem agreed in their Sentiments about this Affair. The orthodox and judicious Calvin, in his *Inst. Chr. Rel. Lib. 4. Cap. 4. Par. 15.* hath these Words for my Purpose, *Præsse autem electioni alios pastores debere; ne quid per levitatem, vel per mala studia, vel per tumultum, a multitudine, peccetur.* The Reverend Mr. Oliver Bowles, one of these eminent Divines who compiled our *Westminster Confession of Faith*, in his *Past. Evang. Lib. 1. Pag. 10.* expresseth himself thus, *Re-toribus id peculiare videtur, ut in toto electionis negotio, & præeant & præsent; autoritas enim, qua certi homines ad sacra dispensanda seliguntur, est in re-toribus primario, in cætu fidelium non nisi secunda-rio.* And our own reverend and worthy Mr. Gillespie, in his *Engl. Pop. Cerem. Part 3. Chap. 3. Page mihi 167.* says, *Even when it is come to the Election, yet populus non solus judicat, sed præeunte & moderante actionem Clero & Presbyterio; according to the reverend Junius, &c.*

Now, if, according to the Word of God, the Rules and Practice of this Church, and Sentiments of reformed Divines, it belongs to Presbyteries to *moderate*
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and *preside* in all Elections of Ministers, what then can be thought of such modern Elections as are carried on and proceeded in by the Electors, without the Presence and Inspection of any Presbytery or Pastor, and in the Presence *only*, and under the Inspection of *publick Notaries*, assuming the Power of receiving and marking the Voices of the People promiscuously, and of subscribing for them, or attesting their Subscriptions? And what must be thought of the Conduct of such ecclesiastick Courts as homologate such Elections, and proceed thereupon to Ordination! *Tell it not in Gath, &c.* Nor can any Pretext of Necessity be sufficient to justify such irregular and unwarrantable Proceedings. If Presbyteries shall groundlessly decline to preside in an Election, they may be appealed from, and complained of, to superior Judicatures; but Parishes, in such a Case, are not to subvert the divine Institution, by setting up *publick Notaries* in their Room; nor are they to be encouraged in redressing themselves after such a Manner. But this by the Way.

I now come to the second Part of the above expressed Proposition, affirming, *That Presbyteries have a discretionary Power and Judgment, with respect to the List out of which the People are to make the Election, or with respect to the Election itself made by them, &c.* This Assertion I have enunciated in such ample and obvious Terms, as cannot readily be mistaken, and am therefore now to attempt the Proof of it from the Word of God, the Acts and Practice of this Church, the Sentiments of reformed Divines, and the Nature of the Thing.

The Truth of this Assertion seems plain to me from the Word of God, setting before us the Pattern of
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the Apostles, with respect to Elections, and their Precepts to other Church-Officers, with respect to Persons to be ordained by them. That *Pattern* I plead from these very Scriptures that found the People's electing Power, particularly from *Acts* i. and vi. whence it evidently appears, That the Apostles, as Church-Officers acting *in collegio*, and prescribing an Example to the Christian Church, did not only preside, as hath been already observed, in the Election of *Matthias* and the Deacons, but also did, in these Cases, claim and exercise a *discretionary Power and Judgment* anent the Lists out of which these Elections were to be made, or the Persons capable of being elected; and anent the Electors, or Persons concerned, their Regard to the Qualifications requisite in the Persons elected to these Offices. Thus, in the first of these Cases, the Apostles did restrict the List, or Object of Election, more generally, to *these Men who had companied with them all the Time that the Lord Jesus went in and out among them, from his Baptism till his Ascension*, *Acts* i. 21, 22. and more particularly to *Barsabas* and *Matthias*, Verse 23. And, in the other Case, *to wit*, of the Deacons, they limited the Election, and restricted the Electors, to the Number of Seven to be elected, to the Company out of which these Seven were to be chosen, and to Men of that Company so and so qualified; Men, *to wit*, *of good Report, full of the Holy Ghost and Wisdom*, *Acts* vi. 2, 3. Nor seems the Multitude to have thought themselves absolute and incontrollable in their Choice; upon the contrary, they subject the same to the Apostles their *discretionary Judgment*, in setting before them the Persons they had elected, as Verse 6. in order to their Approbation, without which they

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could

could never have been supposed to have proceeded to their Ordination.

And as the discretionary Power of Presbyteries, in the Case of Elections, is evident, from the above mentioned *Pattern of the Apostles*, so is it from their after-mentioned Precepts, particularly from *Paul's* Precepts to *Timothy*, 1 Tim. v. 22. and 2 Tim. ii. 2. *Lay Hands suddenly on no Man, neither be Partaker of other Mens Sins; keep thyself pure; and the Things that thou hast heard of me, among many Witnesses, the same commit to faithful Men, who shall be able to teach others also.* Now, to what Purpose had these Precepts been given to *Timothy*, and in him to all others having the Power of laying on Hands in the A& of Ordination, if he and they had not had a *discretionary Power* of enquiring into, and judging of the Fitness or Unfitness of any Man proposed to be ordained by them? Had the People the sole Power of lifting and electing, and the Pastors or Presbytery no Power at all of judging anent the Lists or Persons elected, then would they be obliged, contrary to the forecited Precepts, to lay Hands suddenly, or without due Inquiry or Judgment, upon any Man chosen; and to commit the Ministry of the Gospel, to faithful or unfaithful Men, able or unable to teach others, at the Electors their Discretion! And were the Pastors under such a Necessity, from divine Institution, of ordaining whom the People please, without having any Judgment of their own in the Case, then could they never incur the Hazard certified by the Apostle, 1 Tim. v. 22. of partaking of other Mens Sins, the Sins, *to wit*, of unworthy Men suddenly ordained. But this Hazard they may incur, and therefore that Necessity they cannot be under, but must have a discretionary

cretionary Judgment of their own, in that Affair they are to manage *deliberately*, upon their Peril.

Nor is it the Literature *only* of Persons elected, that Presbyteries have a *discretionary Judgment* anent, but also anent their *Piety, Prudence*, and other ministerial Qualifications; hence we find, that, when the Evangelist *Titus* is left in *Crete*, to set in Order the Things that were wanting, and to ordain Elders in every City, the great Apostle, who left him there for these Purposes, gives him a Directory for Ordination, a Description of a Gospel-Minister, and a particular Account, in negative and positive Terms, of the Qualities and Qualifications requisite in those that were to be ordained by him, and others vested with that Power, *Tit. i. 5 to 9.* And a like Description, for the same End, is given, by the same Apostle, to the Evangelist *Timothy*, *1 Tim. iii. 2 to 7.* Now, to what Purpose had such Directories and Descriptions been given to these Evangelists, and others intrusted with the Power of Ordination, if they had had no Right of enquiring into, and judging of the Qualifications required in the Persons to be ordained by them? Why would the Apostle have told them, that the Persons they were to ordain must be blameless, sober, just, holy, &c. if they had had no *discretionary Judgment* anent these ministerial Qualities and Qualifications, and no Power of rejecting such as want the same, elect them who will?

Agreeable, in this Case, to the Pattern and Precepts of the Apostles, recorded in the Word, are the Acts and Practice of this Church. For Acts I need only instance in these few, *viz. Act, Sess. 4. Assen. 1649. anent Election of Ministers. Act, Assen. 1639. Art. ult. anent Ministers Trials*, explained and ratified by

by Act, Sess. 6. *Assem.* 1642. and Act, Sess. 7. *Assem.* 1596. anent the Entry and Conuersation of Ministers, ratified by *Assem.* 1638. All which Acts (too long to be here insert) do necessarily imply and import, That Presbyteries have not only a Right to preside in all Elections, but also to approve or disapprove thereof; to judge of the Fitness or Unfitness of a Minister, as well as of a Probationer, for the particular Charge to which he is nominated or elected by the People, and a Right to reject or repel such as they find Reason to repel. And if all this carries not in it that *discretionary Power and Judgment* I plead for, it does nothing.

As the Acts of this Church speak out her Principles in this Case, so doth her Practice. In all Elections Parishes are limited, and very justly, in a greater or lesser Degree, as to the List, or the Candidates out of which the Election is to be made. They are, at least, restricted to Ministers and Probationers of Presbyterian Communion, which is as real a Restriction of the List, or of the Object of Election, and as real, tho not so great, a Limitation put upon the Electors (who, if incontrollable, might list and choose of a different Communion) as if they were restricted to some Three or Four of our Communion. Now, if they can at all be restricted, as the foresaid Instance shews they may, why not restricted as far, or to as great a Degree, as shall be judged necessary for the great End of Edification? *Majus & minus non variant speciem.* If People can be restrained, as certainly they may, from choosing a Minister of another Communion, because of his exceptionable Principles, why not also from choosing one of our own Communion, because of his exceptionable Practice, &c? Instances

are

are not wanting of Presbyteries their restraining Par-
 rishes from lifting or choosing exceptionable Men of
 our own Communion, and of their being approven
 therein by the higher Judicatures of the Church. To
 this Purpose we have one very plain in the Case of
 the Parish of *Marytown*, within the Bounds of the
 Presbytery of *Brechin*, and Synod of *Angus* and
Mearns. This Parish, while vacant, in the Year
 1725. having unanimously agreed upon one to be
 their Minister, who had, some Time before, been de-
 posed from, and again reponed to the ministerial Of-
 fice, did make Application to the said Presbytery for
 his Settlement amongst them; but the Presbytery, re-
 fusing to concur with their Choice, were appealed
 from to the said Synod, who, having approven the
 Presbytery's Conduct, were appealed from to the then
 ensuing General Assembly, and that Assembly, hav-
 ing referred the Affair to their Commission, it was
 finally determined by them in favours of the Presby-
 tery of *Brechin*, insisting principally upon their *discre-*
tionary Power. And the Commission's Determination,
 in their Favours, was approven by the subsequent
 Assembly.

To what hath been advanced on the Subject in
 Hand, from the Word of God, Acts and Practice of
 this Church, I now subjoyn the Sentiments of some
 orthodox and eminent reformed Divines.

The famous and judicious *Calvin*, in his *Epistle*
131. ad populum, expresseth himself thus, *Si hoc jus*
vobis arrogatis, ut pro arbitrio vobis asciscatis pastores,
hoc nihil aliud quam ordinem a Deo positum, cum ho-
nestate Christiana, convellere.

The reverend Mr. *Oliver Bowles* above mentioned,
 in his forecited Book, *Past. Evangel.* hath not only
 the

the Words already set down, to which I refer, but also these following, *Lib. 1. Pag. 11. Absolum id, ut in ecclesia constituta, rectoribus seclusis, omnia ad se (in electionis, scil. negotio) capiat populus*; and much more he hath, to this Purpose, throughout his first Book and first Chapter, where he cites sundry other Protestant Divines agreeing with him; particularly Melancton, expressing himself in these Words, *Pugnatum cum jure divino & veteri ecclesia Democratia in qua populus capit ad se electionem*. To the Testimonies of these foreign Divines, I shall now add some few of our own Worthies who have written of the Election and Calling of Ministers, particularly the reverend and pious Mrs. Gillespie, Durham and Rutherford.

Mr. Gillespie, in his *Eng. Pop. Cerem. Part 3. Chap. 8. Page mihi 167.* concerning the Election of Ministers, hath these Words, *But whilst we plead for the Election of the People, we add, first, Let the Clergy of the adjacent Bounds, in their Presbyterial Assemblies, try and judge who are fit for the Ministry; thereafter let a certain Number of those, who are approven by them as fit, be offered and propounded to the vacant Church, that a free Election may be made of some of that Number; providing always, that, if the Church or Congregation have any real Reason for refusing the Persons nominated and offered unto them, and for choosing of others, their lawful Desires be herein yielded.* Here, I think, is an excellent Overture (I wish it were made an Act) with a reasonable Proviso, both consistent with the discretionary Power of Presbyteries I plead for, and with the electing Power of the People I plead not against.

Mr.

Mr. Durham, in his Exposition of the Revelation, Chap. iii. Page of his Book 174. treating of ministerial Qualifications, and clearing Holiness to be one of them requisite to the *bene esse* of their Calling, and therefore to be much regarded by People in electing, and Presbyteries in ordaining them, says, concerning the People, *They are not left to call whom they will; if it were a Deacon, he is to be a Man full of the Holy Ghost, Acts vi, &c.* And concerning Presbyteries he asserts, *That a Presbytery ought not (whoever call, or what ever One's Parts be) to proceed to admit Men to the Ministry, without Respect to this Qualification of Holiness.* And then, having cleared in what Sense he lays down that Assertion, he adds, Page 175. *That Trial would be made by the Presbytery, before admitting a Minister; First, To clear that he be not prophane, and that nothing can be charged on him. 2dly. That there be some Things making him look holy-like, and giving Ground in discerning Charity to esteem so of him, that, whatever afterwards he prove, they (the Presbytery, to wit) may have Peace in what they have done. And, lastly, That some fit Time and Way be taken purposely for trying this.* All which our reverend Author clears from Scripture-Arguments; and, of consequence, proves, That, as People are not at Freedom to choose, for their Minister, whom they will, so Presbyteries have, and are obliged to use a discretionary Power in trying and judging of Candidates for the Ministry their Qualifications, (whoever may elect them) particularly that of Holiness.

Professor Rutherford, in his Book, called *The due Right of Presbyteries*, Page *mibi* 129. denies the People a boundless Power, or Liberty of *sole Will*, in electing their Pastors. A Liberty, regulated by the

Word of God and sound Reason, he allows them, as every Body should; but a *Licence*, as he terms it, he denies them. And, in favours of Presbyteries their *discretionary Power or Judgment*, he affirms, Page of his forelaid Book 495. *That Power of regulating the People's Choice is the Presbytery's Due.* Page 496. *That the Presbytery may negatively regulate the Election* (which, I think, is more than to regulate the List) and if the People, out of the Humor of itching Ears, choose an unfit Man, in that Case the Presbytery may declare the Election irregular and null. And Page 497. *That the Presbytery may regulate negatively, and hinder the Election of an unfit Man.* For clearing of which, he had asserted, in the preceeding Page 496. That, supposing the Multitude that elected the Deacons, *Acts vi.* had chosen such a Man, or all the seven such Men, as *Simon Magus, The Apostles,* says he, by their ministerial Power, might have impede that Election, or rather Nomination, as irregular, and have put them to choose other Seven. Thus Mr. Rutherford, an unexceptionable Witness in the People's Case; and yet, I observe, he never gives them an absolute Power, or Power not subject to the Presbytery's Regulation of choosing their Minister, excepting in one Case, to wit, when a special List of fit Persons is previously concerted betwixt the Presbytery and People; or, in his own Words, Page of that Book 495, when it is acknowledged, both by People and Presbytery, that, of two or three Men, any one is qualified for the Place, then saith he (and I am far from contradicting him) *The Man is absolutely to be referred to the People's Choice*; but as, in this Case, he allows the People an absolute Choice, so he supposes the Presbytery not only to have had, but also

to

to have used a *discretionary Power*, in regulating or concerting the List out of which that Choice is made; and, in all other Cases, where there is no concerted List, he allows the Presbytery a Right of regulating, negatively, the Election itself, or of impeding the same, if the *Nominee* is an unfit Person.

To the Authorities above advanced I now add an Argument, for the *discretionary Power* of Presbyteries, from the Nature of the Thing, seeing it must be granted, by Presbyterians, at least, *That* the mediate, ordinary, external *Calling* of a Minister doth not consist in the Election of the People *only*, but also in the *Ordination*, or authoritative Mission of the Presbytery; and that this Ordination, or Mission, is the last Hand put to that *Calling*, and the finishing Stroke given to it. It must then follow, *ex natura rei*, that the *Ordainers* must have, and ought to use a *discretionary Power* and *Judgment* of their own, anent this Affair of great Moment, before they put the last Hand, or give the finishing Stroke to it, else, upon their wanting this Power or Judgment, the greatest Absurdities must follow, *viz.* *That* Presbyteries, in this Matter of great Importance committed to their Care and Trust, in this essential Part of their Office, the Ordination of Pastors, are not allowed to act as free Agents, as ecclesiastick Judges, or as rational religious Men, following the Light of their own Consciences, influenced by the Word of God, in the Hand of his Spirit; but are obliged implicitly to follow the Mind of the People electing, to lay Hands, without Judgment, on whomsoever they will, Men faithful or unfaithful, able or unable to teach others, fit or unfit for the ministerial Work; and, of consequence, *that* Presbyteries, or Presbyters *vested* with the Power of Ordina-

tion, but *devested* of all *discretionary Judgment* in that Matter, are sunk below the lowest Rank of rational Beings, and made the *veriest* Tools and Machines in the World! Upon the Whole, the Truth I have asserted, I hope, is sufficiently confirmed; yet, for its Further Establishment, I shall answer such Cavils as some Men think fit to make against it.

First. If it be alledged, as no Doubt it will, That the *discretionary Power* claimed to Presbyteries, is, or may become an *arbitrary Power* of doing what they will in the planting of Vacancies, without Regard had to the Inclinations of the People; I answer, That the Power I claim, in favours of Presbyteries, being such as is regulated by the Word of God, and the Judgment or Conscience of his Office-Bearers, subordinated to, and directed by this Word, is not in itself, and cannot, of its own Nature, become an *arbitrary Power*. It may indeed be abused, or arbitrarily and perversly used, as may every other *Species of Power* amongst Men: But what then? must therefore the Existence of it be denied, or lawful Exercise of it destroyed? By no Means; the Abuse of it is only to be corrected, and the arbitrary perverse Use of it to be restrained, while the Power itself, to which these Evils are not essential, but accidental, is to be maintained, as of the *Lord*. The best Things in the World may be abused, and, through the Corruption of Men, many Times are so; but they must not, on that Account, be denied, destroyed, or parted with, else what should become of the Word and Ordinances of God, and of the very Powers and Faculties of our own Souls!

To argue the Want or Non-Existence of a *discretionary Power* in Presbyteries, from the Possibility of their

their abusing it, or exercising it in an *arbitrary* Way, is, in itself, most ridiculous, and, to the Purpose of our Opponents, most improper. It is ridiculous. Why? it destroys, at once, all sublunary Power whatever! If this Argument concludes against Presbyteries, it must needs conclude, with equal Force, against all other Beings and Societies *fallible* in the Exercise of their Power, or against all and sundry Subjects of Power that may possibly abuse the same. And thus it brings down, at one Blow, all Power upon Earth, civil and ecclesiastick, unless our Objectors will support the *Pope's*, which, I think, they will not pretend, upon the Footing of his Infallibility, or will condescend upon any Subject of Power under the Sun, that may not, through Wilfulness, or Mistake, abuse the same.

Nor is this Topick more ridiculous in itself, than improper for the Purpose of those that use it; for it rebounds upon the People they pretend to argue for, with greater Force than it falls upon the Presbyteries they argue against. Parishes are not a Whit more infallible, in listing or electing Men to be Ministers, than Presbyteries are, in exercising a *discretionary Judgment* anent the Persons listed or elected; nor can their Power, if absolute and incontrollable, be thought less liable to be abused or arbitrarily used, than the Power claimed to Presbyteries, unless it may be thought, which to me is impossible, that *disaffected Parishes*, or such as are under the Influence of *disaffected Persons* (in whose favours the *discretionary Power* of Presbyteries hath been mostly impugned) hath a greater Claim than others to Infallibility in their Choice of a Minister.

I must

I must dismiss this Cavil with observing, that it bears as hard upon the Powers of Synods as of Presbyteries; for, if Presbyteries can have no Power of regulating Lists or Elections of Ministers, because, forsooth, they may abuse this into an *arbitrary Power*, then Synods, provincial or national, for the same Reason, can have no Power of regulating the Conduct of Presbyteries, in that or any Thing else. The Antecedent and Consequent of this hypothetical Proposition, being bottomed upon the same very Ground (the Fallibility, *to wit*, of Presbyteries and Synods, or the Possibility of their abusing their respective Powers) must stand or fall together, and be equally true or false. Now, if both be false, as they certainly are, then this Cavil, against the discretionary Power of Presbyteries, is worth nothing; or, if both were true, as they are not, then would the Cavillers have neither Synod nor General Assembly, vested with Power, to make their Appeals to, in Case of Lesion by a Presbytery!

2dly. If it be objected, That the People's Power of Election may be elided, or made void, by the *discretionary* Power claimed to Presbyteries, who, if they can reject one Man listed or elected, then they may reject a second, and so a third, &c. I answer, That this Cavil, being of the same Nature with the former, arguing the Want of Power in Presbyteries from the Possibility of abusing it, is in so far replied to already. But more particularly, *first*, The People's Power cannot be elided or made void by the discretionary Power of Presbyteries, but is thereby perfected; that Power, in its Essence, is not lesed by this, but is only regulated, negatively, as to its Exercise, or as to the Application of it to its proper Object. The People are not hereby abridged in their real Liberty,

but

but restrained from the Misapplication of it. In one Word, they are deprived of no Power or Liberty they can pretend to, unless they pretend to a Power or Liberty of doing Evil; of choosing, *to wit*, an unfit Person to be their Minister, which is the only Thing, in this Case, that Presbyteries claim a Right to restrain them from; and, by this Restraint, their Power or Liberty is no more elided, made void, or encroached upon, than it would be, if a Knife, designed to cut their own Throats, or their Neighbours, were taken out of their Hands. *2dly*, Presbyteries lay no Claim to any such Power as this Cavil supposeth, of rejecting for rejecting's sake, or of rejecting diverse Persons without any just Ground; far from it! they owe a great Regard to the People's Inclinations, and are bound to comply therewith, whenever contred in a proper Person; and to suppose they would industriously reject any, yea, many such Persons, is very uncharitable to *Christ's* Office-Bearers! But, supposing the very worst, yet the People's Power of Electing would not be made void, so long as they have Access for Redress from superior Judicatures; especially considering that Presbyteries claim only a Right of regulating, *negatively*, Lists or Elections, and allow the *positive* Part to the People, in so far as they are capable and willing to exercise the same in a regular Way; wherein, indeed, if they fail, a Minister may be sent them, without their express, tho not their tacite Consent.

3dly. If it be said, as by some it hath been, That Probationers, being sent out as Candidates for the Ministry, and Objects of the People's Choice, are all presumed to be unexceptionable Men, or, if they are not, it is the Church's own Fault, therefore none of them, listed or elected by the People, can be declined

ed or rejected by a Presbytery, unless something, that renders him absolutely unworthy of the ministerial Office, be libelled and proven against him; I answer, That albeit this Argument is sufficient to caution all concerned in licensing Probationers, to be careful and conscientious in that Affair; yet it cannot prove what is intended by it. For, *first*, The Probationers are sent out as Candidates for the Ministry, and Objects of the People's Choice, yet every such Candidate is not presumed fit for *every* or for *any* Congregation whatever in *Scotland*; but only fit for some one or other, to which his Gifts may be found suited and proportioned. This is plain from the Acts and Practice of our Church. By Act of Assembly 1596. renewed at *Glasgow* in 1638. some Ministers, as well as Probationers, are supposed, yea, declared meet for the Ministry, in some Places, who are not meet for all alike; and therefore, by Act of Assembly 1639. *Art. ult.* explained and ratified by Act, *Sess. 6. Assen. 1642.* all *Intrants* are appointed to be tried, before their Admission, if they be qualified for the Places to which they are presented. And as nothing can be more plain from these Acts, than that their Qualifications, for the particular Places to which they may be presented or invited, are subjected to the discretionary Judgment of Presbyteries, so nothing can be more expressive of the Mind of our Church, in this Case, than her Practice in taking second Trials, or Trials *in ordine ad locum*, of every Probationer, after his Election to any particular Charge, and before his Admission thereto; than which Trials, nothing could be more superfluous or impertinent, in case every Probationer were presumed fit for *every* or *any* Charge in the Church; or

of the Presbytery, that takes Trials of him, had not discretionary Power of judging of his Fitness or Unfitness for the particular Charge to which he is elected.

2dly. Tho all Probationers are presumed to be unexceptionable Men, with respect to their Principles, Piety, Morals, &c. at least to have been such, in the Esteem of the Judicatures by which they were licensed, yet afterwards they may be found exceptionable enough; for, as none of our Courts can pretend to Infallibility in their Knowledge or Management, so none of our Probationers can pretend to Immutability, or Impeccability, in his Principles, Expressions, or Actions. A Man may discover to others, after he is licensed, that Naughtiness that never before appeared in him; or a Presbytery, it may be, hath acted partially, or precipitantly, in licensing him. Must this Presbytery therefore go on in their Fault, after they are come to a Sense of it? Or must all the other Presbyteries of the Church be tied down to an implicit Dependence upon the Judgment of that Presbytery, by which a worthless Person was licensed? Or, because a Fault was committed in licensing him, must another and greater be perpetrated, in encouraging his Election, or in proceeding thereupon to his Ordination? No certainly; this would not indeed amend the Matter, but, upon the contrary, would be a Progress in Sin, a going on from evil to worse.

Nor, 3dly. Are Presbyteries, in my Opinion, obliged to *libel* all such Men as they decline to encourage and ordain to the Ministry. For this, I see neither Necessity nor Expediency, nor any Law obliging hereto, divine or human, civil or ecclesiastick; upon the contrary, a Presbytery's Concurrence, being as

free as the People's Choice, they are no more oblig'd to libel every Probationer, nominated by the People, they decline to encourage, than the People are oblig'd to libel every one, recommended by the Presbytery, they decline to elect. Every Thing about a Candidate, that is subject to a Presbytery's Judgment, and may be just Ground of scrupling his Encouragement in such a Place, is not the Matter or Ground of a Libel. For Instance, his Piety and special Fitness for the particular Charge to which he is nominated or elected, are subjected, as I have but lately clear'd to the Presbytery's Judgment; and his *Deficiency*, either or both of these Respects, is just Ground of scrupling his Encouragement, and declining his Ordination, but is not at all the Matter or Ground of any Libel. Moreover, a Presbytery, or a Plurality of the Members, may possibly know some *gross Enormity* in a Probationer, (sufficient to obstruct their Concurrence to his Settlement) for which, notwithstanding, he ought not to be libell'd, because the same may be known to no other but themselves; and if it be so, to raise or propagate, by Libelling, a Scandal thus latent, or but known to few, would be such a Transgression of Gospel-Rules, and Laws of Christian Charity, as a Presbytery can be oblig'd to, *sed e contra*.

It is not difficult for any thinking Person to conceive, That, to keep a worthless Candidate out of the Ministry is one Thing, and to turn an unworthy Minister out of the Ministry is quite another. In the first Case, the Candidate is only denied Admission into an Office of which he is not thought worthy, and to which he hath not any Right of Property or Possession; but, in this Case, the Minister (upon account of his Unworthiness and Malversation) is deprived

an Office in which he had been installed, and to which he had acquired an actual Right of Property and Possession *ad vitam aut culpam*. To the first of these Purposes, the Keeping a Man out of the Ministry, mere Defects, or the apparent Want of suitable Qualifications (which are not Grounds for a Libel) may be sufficient; but, for the other Purpose, the Turning a Man out of that Character, somewhat more is necessary, both as to the Fault whereby he forfeits his Office, and as to the Manner in which the same is made evident against him. As the Fault must be relevant to infer the Censure of Deprivation or Deposition, so the Proof must be sufficient to infer the Certainty of the Fault. Therefore I readily own, that, in this Case, a Libel and Proof are necessary; but by no Means can see the Necessity thereof in the other Case, wherein the Church exerciseth only her Power of Government, but not of Discipline or Censure. Now it is plain to me, that every Government, or Society governing, may warrantably decline to admit any Man into their Fellowship, as a Sharer in the Administration, whom they suspect of Unfaithfulness, Disaffection, or Inability, without being obliged to libel or prove any of these against him.

But, to conclude this Point, I observe, from *Acts* xv. 37, 38, 39. that the Apostle *Paul* declined the ministerial Fellowship of *John*, surnamed *Mark* (the proposed, urged, and contended for by his Uncle *Barnabas*) without exhibiting any Libel or Proof against him. *Paul* gave, indeed, the Reason or Ground of his Conduct in that Matter, the Offence, *to wit*, he had received from *Mark*, by his Desertion, mentioned *Acts* xiii. 13. but there was nothing further of Libelling in that Case. Nor needs there any Thing

more but a Presbytery's giving the Reasons of their Conduct to their ecclesiastick Superiors, if required, when they happen to decline the Settlement of an improper or unfit Parson nominated by a Parliam.



CHAP. V.

Of the Judicatures of the Church, that are originally, or may be occasionally concerned in the Settlement of Ministers; and of the Manner in which the Influence of the supreme Judicature may be equally and universally diffused through all the Parts of the Church, for the Good of the whole.

ALTHOUGH the Settlement of Ministers in vacant Congregations doth properly belong to Presbyteries, and must, at first Instance, come under their Cognisance, yet that Affair may occasionally be brought, by References or Appeals, from Presbyteries to provincial Synods, and from them to a General Assembly, by which it may be referred to a Committee or Commission of their appointing. It seems therefore very necessary, upon this and many other important Accounts, *That* all these Judicatures of our Church be rightly constituted, made up, I mean, of Members warranted, by the Word of God, to sit therein; *That* their respective Powers and Privileges;

privileges, in a due Subordination to one another, be inviolably preserved; and *that* the Influence of the supreme Judicature be equally and universally diffused throughout the whole Church. Upon the first two of these Heads, cast together, I presume to offer a few Thoughts, ranged into so many Sections as I have mentioned of Church-Judicatures; and the last of them shall be discussed in a Section by itself.

S E C T. I.

Of Presbyteries.

A PRESBYTERY, I conceive, is a radical Judicature, consisting of the Pastors and Presbyters of sundry contiguous Congregations, associated and coalesced into one Presbyterial Church, and having, in itself, and of its own Nature, ecclesiastick Power and Jurisdiction complete within its own Precinct.

By this Definition I intend no more, but barely to point out the Nature, Members and Power of the Judicature defined, upon each of which I am to expatiate a little, after I have premised a few Things for preventing Mistakes, and paving my Way.

A *Presbytery* and a *Presbyterial Church* are not indeed equipollent Terms, yet they are *Co-relatives*; and therefore the one must necessarily imply the other. Wherever there is a *Presbyterial Church*, made up of diverse contiguous Congregations consociated together, under the Inspection and Government of diverse Pastors and Rulers, there must needs be a *Presbytery*, or *Presbyterial Consistory*, consisting of these Pastors and Rulers acting in collegio.

Where

Wherever there are the *Essentials* or *Materials* of sundry congregational Churches, *to wit*, such a Number of People as cannot all meet, for the Worship and Service of God, at one Time in one Place, and such a Number of Pastors as may, and do, dispense the Ordinances to them *severally* convened; wherever, I say, these *Essentials* are, there must needs be sundry congregational Churches, whether fixed or not, as to their Bounds, Places of Meeting, Pastors and Members, is the same Thing; for, however convenient and ordinary it may be, in *statu ecclesiae bene constitutae*, to have Congregations distinguished and fixed as to their local Bounds, Pastors, &c. yet this is not *essential*, but accidental to their *Being*. Supposing there are, in a populous City, a Multitude of Christians equal to ten Congregations, or ten Times as many as can conveniently meet in one Place at one Time, tho they are not formally moulded into ten distinct Societies, yet, if they are all fed and edified with the Word, Sacraments and Discipline, by a competent Number of Pastors, travelling in common amongst them; supposing all this, I say, then there could be no essential Difference betwixt them and ten formed or fixed Congregations, under the Inspection and Government of ten fixed Pastors, constituting a Presbytery in their collegiate Meetings. In these Sentiments I am supported by the venerable *Westminster Assembly* their *Form of Presbyterial Church Government*, examined and approved by the General Assembly of this Church, anno 1645. In this Form, that *Assembly*, having proved that the Church of *Jerusalem* consisted of more Congregations than one, and that all these Congregations were under one Presbyterial Government, they subjoyn these Words,
And

And whether these Congregations were fixed, or not fixed, in regard of Officers or Members, it is all one as to the Truth of the Proposition, &c.

From what hath been just now advanced, it naturally follows, that, albeit several Congregations, under the Inspection and Government of one Presbytery, may, for greater Conveniency, have each of them a fixed Eldership, yet that this is not of the *Essence* of those Congregations, or this Presbytery. It is sufficient, to the Being of congregational Churches, that they have an Eldership, (to dispense to them the Word, Sacraments and Government) whether common or special, makes no essential Difference; and sufficient to the Being of a Presbytery, if it hath a subjective *Capacity* in its Members, to dispense these Ordinances, and an objective *Sufficiency* of the Congregations to dispense them to. If either a fixed Pastor, or fixed Eldership, was of the *Essence* of a congregational Church, then every Congregation of Christians would be, *eo ipso*, unchurched, upon the Decease of their Pastor, or casual Deficiency of their Eldership! which can never be imagined, while there is a Presbytery to supply in common such Vacancies or Defects.

Our Church of *Scotland*, after the Reformation from Popery, seems to have been far from thinking, that a fixed Eldership, or Kirk-Session, is essential to a congregational Church; upon the contrary, these worthy *Reformers* appear to have given such *Sessions* no Place in the List of *Church-Judicatures*, nor any Encouragement for their being settled in particular Parishes, as is plain, to me, from the second Book of *Discipline* or *Policy*, agreed upon in the General Assembly 1578. and ratified by the Assembly 1638. particularly

particularly from the seventh Chapter of that Book, Par. 2 and 14. which are expressed in these Words, *Assemblies are of four Sorts; for either they are of particular Kirks and Congregations, one or more, or of a Province, or of a whole Nation, or of all and diverse Nations professing one Jesus Christ. ----- When we speak of the Elders of the particular Congregations, we mean not, that every particular Parish-Kirk can, or may, have their own particular Elderships, specially in Landward; but, we think, three, four, more, or fewer particular Kirks, may have one Eldership, common to them all, to judge their ecclesiastical Causes. Now, that this one Eldership, common to all those particular Kirks, is a classical Presbytery (and not a Church-Session) and that it is spoke of, in the precedent Paragraph of that Book, as the first Kind and Sort of Assemblies, is beyond all Controversy.*

These Things being premised, I now come to consider a *Presbytery*, according to the above Definition, in its *radical Quality*, its *constituent Members*, and *intrinsic Power*.

First then, I have affirmed, that a *Presbytery* is a *radical Judicature*. Why? Because it was the first ordinary Judicature, in Order of Time, was established, planted, or rooted in the *Christian Church*; and it doth participate of the Quality of a Root, with respect to the other Judicatures of the Church. These Properties, I presume, are sufficient to justify that Denomination; and that they belong to a *Presbytery* I shall endeavour to evince, after I have hinted, as I now do, that I have called a *Presbytery* the first *ordinary* Judicature, to distinguish it from any extraordinary Court, some Men suppose, might have been held by the Apostles as Apostles, immediately after their

Lord's

Lord's Ascension; altho, at the same Time, I very much question if ever they held such a Court, seeing, in all extraordinary Matters, cognoscible by them as *Apostles*, they were immediately inspired, and extraordinarily assisted; and therefore needed not, as a Judicature, to consult, reason, or vote thereanent.

Now, for clearing the Point in Hand, the *Priority*, to wit, of a *Presbytery*, in Order of Time, to all the other Judicatures of the Church, I instance the Judicature that governed the Christian Church of *Jerusalem*, as the first that existed in the Christian World, and affirm, that the same was a *Presbytery*. I take it for granted, that the Church of *Jerusalem*, gathered, established, and governed by the *Apostles*, and others joyned with them, was the first of the *Christian Churches*; that, if it was a *Presbyterial Church*, then the Judicature governing it must needs have been a *Presbytery*; because, as I lately observed, a *Presbyterial Church* and a *Presbytery* are *Correlatives*, implying one another; and, upon this Supposition, I conclude, that the *Presbytery* of *Jerusalem*, was, in Order of Time, the first Judicature that existed in the *Christian World*.

The only Thing I have here to prove, is, what I have supposed, viz. That that Church of *Jerusalem* was a *Presbyterial Church*; and this hath been done to my Hand, to so good Purpose, by the *Westminster Assembly*, in their forecited *Form of Presbyterial Church-Government*, and by many other eminent Divines of our own and other Churches, in their Writings against the *Independents*; this, I say, hath been done, this Proof hath been led to so good Purpose by others, that nothing is left me to do, unless it be to transcribe their Arguments, for which I have neither Time nor In-

clination. I shall therefore only insinuate, That these Divines of our Perswasion have proven, *first*, That the Church of *Jerusalem* was *one particular Church*, under *one ecclesiastick Government and Administration*, from *Acts* ii. 47. and v. 11. and xii. 5. and viii. 1. and xi. 22. And, *2dly*. That this one Church, consisting of such a Multitude of Christians (before and after the Dispersion) and of such a Number of Pastors, as are pointed out by *1 Cor.* xv. 6. *Acts* i. 15. and ii. 41, 47. and iv. 4. and v. 14. and vi. 7. and xxi. 20. compared with *Acts* i. 12, 13, 14, 26. and xi. 27. and xv. 2, 4, 6, 22, 23. having such Diversity of Languages amongst them, and such incapacious Houses to meet in, for religious Worship, as are notified by *Acts* ii. 5 to 12. compared with *Acts* i. 13, 14. and ii. 46. and xii. 12. These Divines, I say, have proven, That this one Church, so numerous and so circumstantiated, could never have been a *Congregational*, but must needs have been a *Presbyterial Church*. Whence my Conclusion must necessarily follow, That the Judicature governing this *Presbyterial Church*, being a Presbytery, that Presbytery, of the first existing Church, must have been the *first Judicature* that had a Being in the *Christian World*, and that was *first* established and radicated in the *Christian Constitution*.

Nor indeed was there, in the Constitution or Government of that first Church of *Jerusalem*, any Thing peculiar to itself, or *essentially* differing from other Churches established in the *Apostles* their Time; but, upon the contrary, it could be made appear, (as it hath been by sundry learned Divines) after the Manner, and by the Arguments, from Scripture and Reason, above hinted, That these were likewise *Presbyterial*

byterial

byterial Churches, and had each of them a *Presbytery*, or an ecclesiastick Consistory of preaching and ruling Presbyters, *previous* to the Existence of any other Judicature in the *Christian Church*. Thus it was with the Churches of *Antioch* and *Corinth*, and the seven famous Churches of *Asia*, &c.

But if it should happen to be objected, as by some it may, that the Government of the Church of *Jerusalem*, and of other Churches now mentioned, was neither *Congregational* nor *Presbyterial*, but *Apostolical*, being in the Hands, and under the Administration of the Apostles, and of other such extraordinary Office-Bearers; I reply, that, as the Thing here asserted is not true, so the Ground of the Assertion, or Reason assigned, is not solid. Why? The *Apostles* might have governed these Churches, as indeed they did the Church of *Jerusalem*, and yet the Government might have been, as it really was, *Presbyterial*, and not *Apostolical*; because, tho the Persons governing were *Apostles*, yet they governed not as *Apostles*, but as ordinary *Pastors* or *Presbyters*. They had, no Doubt, an extraordinary *Apostolick Office* for managing, through immediate Inspiration and extraordinary Assistance of God, the extraordinary Concerns of his Glory, and Business of the Gospel-Church; in which extraordinary Office and Business they had none to partake with them, or to succeed to them; but, at the same Time, these *Apostles* had, included in this their extraordinary Office, all the ordinary Offices of the Ministry, for managing all the ordinary Affairs or Business of the House of God, and for prescribing a Pattern of Management to their Successors, in these ordinary Offices, that were to be continued in the Church till the End of the World. Now, the *Apostles* having

had such Offices and Affairs, *extraordinary* and *ordinary*, committed to them, is it not most reasonable to think that they acted *accordingly*? It is plain *indeed*, to me, that so they did, *to wit*, That as, in all *extraordinary* Cases or Affairs, they acted as *Apostles*, or in virtue of their *Apostolick extraordinary Office*; so, in all *ordinary* Cases or Affairs (such as is the Government of Churches) they acted as *ordinary* Church-Officers or Governors, (tho, no Doubt, to greater Advantage) as Pastors, Presbyters, or Elders, &c. or in virtue of the Power belonging to them as such. To deny this, were, at once, to fly in the Face of *Reason* and *Revelation*. For,

First, Had the *Apostles* exercised the Government of the Church, and the other ordinary Parts of the ministerial Function, only as *Apostles*, or in virtue *alone* of their *Apostolick Office* and Power, then their *Pattern* herein would have been of no Use to the Gospel-Church after their Days, nor of any determining Influence upon the Power or Management of ordinary Office-Bearers. Why? What they did as *Apostles*, in the Exercise of their *Apostolick Office*, under *immediate Inspiration and supernatural Direction*, could be done, upon the Footing of their Example, by none but Persons of the same, of the like, or of equal Office or Authority with themselves. The Example of a *General*, acting as a *General*, under the immediate Direction of his Prince, would never warrant a Captain to act the same Part, while he has not the same Office or Direction, albeit the Example of that *General* (whose Office includes all the inferior Offices in the Army) acting as a *Captain*, for assisting the present and directing the future Captains, might warrant them to act the same, or the like Part he had

had done; so it holds in the Case before us. The Apostles having acted, as I affirm, in all ordinary ecclesiastick Affairs, as *ordinary* Church-Officers, their Pattern is of great Use in the Christian Church, and for determining the Power and Conduct of all *ordinary* Office-Bearers; but, had they acted, as our Opponents suppose, in all such Affairs, as *Apostles*, then their Example had been of no such Use or determining Influence; which is absurd; yea, it *lays* the Foundation of all ecclesiastick Policy and Management. At this Rate the Apostles their preaching, administering the Sacraments, teaching from House to House, ordaining Pastors, &c. would be no *Warrant*, nor imitable *Pattern*, for dispensing these Ordinances, to any *Office-Bearer* inferior to themselves. And seeing they have no Successors in their *extraordinary* Office or *Apostleship*, they can have no Equals.

2dly. That the Apostles, in the Government of the Church of *Jerusalem*, and other Presbyterial Churches, as well as in other ordinary Administrations, acted not as *Apostles*, but as *ordinary* Officers, appears from the Designations (belonging to such Officers) the *Apostles* take to themselves; the Designations, to wit, of *Presbyters* or *Elders*, of *Co-Presbyters* or *Fellow-Elders*. Thus, the *Apostle John*, in the Front of his second and third *Epistles*, calls himself *ἐπισκοπος*, the *Elder*; and *Peter*, to level himself, in respect of his *ordinary* Administrations, with *ordinary* *Presbyters*, calls himself, 1 *Peter* v. 1. *ἐπισκοπος*, a *Co-Presbyter*, or *Fellow-Elder*. Now, to what good Purpose could these *Apostles* have taken to themselves such Designations of *ordinary* Church-Officers, if it was not to depote their acting in the Capacity of such Officers, in *ordinary* Affairs belonging to their Office?

If

If they had always acted as *Apostles*, or in the Capacity of *extraordinary Officers*, I doubt if ever they had stiled themselves *Elders*, or *Fellow-Elders*. But, 3dly. As the *Apostles* called themselves *Elders*, and *Fellow-Elders*, so they acted as *such*, in joyning with *ordinary Elders*, as their Co-Presbyters, and *Fellow-Rulers* of the Church of God; which evidently appears from *Acts* xv. 2, 4, 6, 22, 23. and xvi. 4. Now, what else can their acting, in Conjunction with these *ordinary Elders*, import, but their acting in the same Capacity, with them, of *ordinary Officers*? And for what End could the *Apostles*, in their ecclesiastick Judicatures, have admitted of the Fellowship of these *ordinary Officers*, if they themselves had acted, in these Courts, as *Apostles*? As *such*, they were immediately inspired, and supernaturally assisted, and therefore, when they acted in that *extraordinary Capacity*, they stood in need of no Man's Fellowship, Help, or Concurrence. Nor could their Acts, put forth in that Capacity, be subjected to any Judicature upon Earth, or fortified by any Concurrence under the Sun. Upon the whole, I conclude, as before, That the first Church erected in *Jerusalem*, having had the Materials of many Congregations, and the *Apostles* acting, with others, in the Government thereof, as *ordinary Presbyters*, was a *Presbyterial Church*; That the Judicature governing the same, was a *Presbytery*, and, of consequence, *That a Presbytery was the first ordinary Judicature established and radicated in the Christian Constitution.*

The first Ground, upon which I have called a *Presbytery* a *radical Judicature*, having been cleared, I come now to the second, to wit, *Its participating of the Qualities of a Root, with respect to the other Judicatures*

catures of the Church. Of such like *Qualities*, tho not of them all, as belong to a *Root*, with respect to its *Fibers, Stem, or Trunk*, a *Presbytery* participates, with respect to the other *Judicatures of the Church*; particularly of these following, viz. *Primary Existence, productive Influence, and perpetual Use.*

First, That the radical *Quality of primary Existence*, with respect to the other ecclesiastick *Judicatures*, doth pertain to a *Presbytery*, I have but just now evinced, by the irrefragable Instance of the *Presbytery of Jerusalem*, proved to have been the first *Judicature in the Christian Church*. The same I might farther clear, from the Nature of Things, as established by infinite Wisdom, with respect to every *integral Part* of that *great Body politic*, particularly with respect to national Churches duly erected; in each of which the *first existing Judicature*, must needs have been a *Presbytery*, or, which is equally good for my Purpose, must have been constitute or ordained by a *Presbytery*. Thus, for Instance, it must have been in the Case of our own Church, or any such subsisting under *Presbyterial Government*, as I prove by the following Argument.

If all the other *Judicatures of our Church*, as *Church Sessions, provincial and national Synods*, do, in their very Nature, *Erection and Constitution*, suppose and imply the *previous Existence of a Presbytery or Presbyteries*; then a *Presbytery* must needs have been, *de jure, the first Judicature existing in this Church*; but the first is true; and therefore the last. The *Subsumption* needs only to be cleared, which may be easily done by *Parts*. For,

First, A *Church Session, or Congregational Eldership*, supposes and implies the *previous Existence of a Pres-*

Presbytery, as morally necessary towards its Erection, and the Ordination of its constituent Members; without whose Ordination that Session could not, in an ordinary Way, have been erected, and, without a *Presbytery* priviously existing, these its Members, the Minister and Elders, could not have been ordained. Why? They could not have ordained themselves, nor one another; for Ordination belongs not to them, as Members of a Session, conjunctly or severally considered; nor could they have had any superior Judicature, *pre-existing a Presbytery*, to ordain them. For,

Secondly. A Synod provincial or national, is so far from *pre-existing a Presbytery*, that it supposes and implies, in its very Nature and Constitution, the Pre-Existence of *Presbyteries*, as the Matter of its being and Erection. Nothing can be more obvious, than that a *provincial Synod* is made up of the *Presbyteries* of a Province, as its constitutive Members, as a *national Synod*, or *General Assembly*, is made up of the *Presbyteries* of the Nation, by their Commissioners or Delegates. Nor can any Thing be more naturally inferred from this, than that *Presbyteries* must needs have *pre-existed Synods*, provincial and national, or been anterior to them, in Existence and Constitution. Who knows not that Matter must be before its Form, that the Stones and Timber of a Building must be before the Building itself? And who can question, but the *Presbyteries* of Jerusalem and Antioch, of Syria and Cilicia, did exist before the first Synod in the Christian Church, mentioned Acts xv. before they did meet, or could have met, by their Members or Delegates. In that Court, the acknowledged Pattern of all after Synods whatsoever?

And

I know

I know it hath been said, by some, That the first Judicature, erected in our Church after her Reformation from Popery, was so far from being a Presbytery, that, for some Time thereafter, this Church was governed, and had her Affairs managed, by no other Judicature but a General Assembly.

But I cannot help differing from such as speak to this Purpose, if not in Point of Fact, at least in their Notion of Judicatures. *Supposing*, in Point of Fact, all that can be pretended, viz. That, in the Infancy of our reformed Church, and for some Time after her Reformation begun, the reformed Pastors or Presbyters, who had the ministerial Care and Inspection of the reformed People or Congregations, up and down the Kingdom, did, at certain Times and Places, convene together in a general Meeting of the whole reformed Church, for governing thereof, and carrying on a Reformation-Work, previous to the Erection of any other ecclesiastick Court of Judicature; *supposing* all this, I say, was therefore that general Meeting, the same Court, or of the same specifick Nature, with what we now call a General or National Assembly of this Church? Or, in stricter Terms, *was it a national Synod?* No, by no Means! It was no Synod, nor any other Judicature, but a Presbytery, tho indeed a great one.

That this general Meeting of our reformed Church, in her Infant State, was no national Synod, (nor, indeed, any Synod general or special) is evident from what I have but lately said, anent the Nature and Constitution of Synods, from the divine Standard. Why? It wanted the very *essential constitutive Matter* of which a Synod, according to that Standard, is made up, *to wit*, Members or Representatives of particular

ticular Presbyterial Churches, which, it is supposed, were not then erected: But a *Presbytery* it was, and nothing else. Why? It had all, in Matter and Form, could constitute a *Presbytery* of the Scripture-Stamp *to wit*, the Pastors and Presbyters of many reformed Congregations (fixed or unfixed is the same Thing) confociated together into one reformed Church, convened in Christ's Name, for the Exercise of Government and Discipline, and promoting the Edification of the whole organical Body under their Inspection. Now, if this was not a *Presbytery*, after the divine Pattern, I know not, indeed, what other Court it was, or could be!

2dly. A *Presbytery* hath the radical Quality of *productive Influence*, with respect to the other *Judicatures* of the Church, in virtue, I mean, of Christ's Institution, and under him the efficient Cause. As vegetable Roots produce and send forth Fibers below and Stems above themselves, so do Presbyteries produce and send forth other Judicatures.

Below themselves, Presbyteries produce Church-Sessions, (upon Supposition of their Being) by *ordaining their Members*, and appointing their Election, which could be done, in ordinary Cases, and in the ordinary Course of Providence, by none but a *Presbytery*, or a Judicature made up of Presbyters, and beholden to their *productive Influence*, for its own Being and Constitution; by none other, I say, could it be done, unless a Prelate, singly and alone, without the Concurrence of Presbyters, and, of consequence, of a *Presbytery*, should be supposed the Ordainer of the Pastor, and other Members of that Church-Session. But this Supposition will never serve the Turn of such a Session, who must either give up

their own *Being*, as a *Judicature*, upon the *Prelate's*
Principles, or else his *Power of Ordination*, as a single
 Person, upon their own *Principles*. Which ever of
 the two they yield, is sufficient for my Purpose; but
 the last must be the best Choice for themselves; con-
 sidering, *first*, That the Ordination of Pastors, and
 other Office-Bearers in the Church, being an Act of
 Jurisdiction or juridical Power, seems not to have
 been committed, by the Head of the Church, to
 single Persons, or any single Person; but to have been
 intrusted by him to a Community or Plurality; to
two or three (at least) gathered together in his Name,
 Matth. xviii. 20. Of such a Community, so gather-
 ed together in *Christ's Name*, and constituting a Pres-
 bytery, were all the Acts or Deeds of Ordination spe-
 cially mentioned in the *New Testament*; such was
 the Ordination of *Timothy*, 1 Tim. iv. 14. such the
 Ordination of the Elders in every City, Acts xiv. 23.
 such the special Mission, a Deed of the same Nature
 with Ordination, of *Paul and Barnabas*, Acts xiii. 4.
 and such was the Ordination of the seven Deacons,
 Acts vi. 6. And, *2dly*. It is observable, that albeit
 the Apostles themselves, and other extraordinary Of-
 ficers, were Actors in the Deeds of Ordination now
 instanced, yet they, nor any of them, did never, in
 any of these Deeds, act singly or alone, but jointly,
 and in Society together. And, even tho the Apostles
 had acted singly, or alone; tho one of them, in virtue
 of his extraordinary Apostolick Office, had performed
 Deeds of Ordination, without any Concurrence, yet it
 would not follow, that any Church-Officer, now on
 earth, could warrantably do the same; seeing they
 had no Successors in their extraordinary Apostolick Of-
 fice or Power. How much less can it follow, *what no*

one Apostle, in his Day, ever did, one single Person, in our Day, can do ! This much for clearing my Argument of a Difficulty urged against it. But to proceed.

As Presbyteries produce Church-Sessions (when they exist) below themselves, so they produce Synods, provincial and national, &c. above themselves, by affording, under Providence, the constituent Members of these higher Courts. This is so plain from what hath been already advanced, that it needs no further Illustration; only I must observe, That, albeit all the other Judicatures of the Church, in their Being and Constitution, have a necessary Dependence, under God, in one Way or other, upon the Existence of Presbyteries, and their productive Influence; yet Presbyteries, in their Being and Constitution, have no such Dependence upon them, or any of them.

To the Being and Constitution of a Presbytery, nothing is necessary but a competent Number of Presbyters, or Pastors of several adjacent Congregations, having ordinary Fellowship with one another, and combining together, virtually or formally, in one Society. Upon these, saith Professor Rutherford, in his *Due Right of Presbyteries*, Chap. 10. Page mibi 319. is founded the *supervening Institution of Christ*. Now, what is there here dependent upon any other Church-Judicature? Nothing, I am sure, except the Ordination of the Presbyters; who, considered distributively, could not have ordained themselves or one another. What then! Must they needs have been ordained by some other Judicature than a Presbytery, by a provincial or national Synod, &c? No certainly! by no Judicature but another Presbytery, specifically the same, in Nature and Constitution with

with themselves, collectively considered. And from whom, if it be questioned, had the Presbyters of that Presbytery their Ordination, and so backward to the Fountain? I still reply, from no other Judicature but a Presbytery, till, by Retrogression, I come to the first Presbytery of the Christian Church; and then I say, the Presbyters, or constituent Members of this first Presbytery, had, all and each of them, their Ordination, or Mission, immediately from the Head of Church Jesus Christ.

By this first Presbytery of the Christian Church, it is easie to perceive I mean the Apostles, not reduplicatively considered as Apostles, but, otherwise, as having included, in their Apostleship or Apostolick Mission, the ordinary Presbyterial Office, and as acting, in collegio, as ordinary Presbyters, or as an ordinary Presbytery, in all ordinary Cases, particularly the Ordination of Pastors. That these Apostles had included, in their extraordinary Office and Mission, all the ordinary Offices of the Ministry, and that in ordinary Cases, such as the Ordination of Pastors, they acted accordingly, in Society or Conjunction with one another, as ordinary Presbyters, or as an ordinary Presbytery, I have but lately cleared; and therefore now conclude, That the Members of the first Presbytery, namely, the Apostles, having themselves been ordained, or immediately missioned, by the Head of the Church, did, as an ordinary Presbytery, or Society of Presbyters, ordain such a Number of other ordinary Presbyters, (with Authority in them to ordain others, to partake with, and succeed to themselves) as was sufficient, if Providence should think fit, to transmit a Succession of Presbyters, and consequently of Presbyteries, to after Ages.

Thus

Thus I have endeavoured, as I could, by Retrogression and Progression, to carry back, and bring forward again, the Existence of Presbyters and Presbyteries in the Christian Church, (at least the Possibility thereof) as independent of all other Judicatures. After the same Manner, I might clear the Origin of Presbyteries their Distinction from one another, and their Division or Distribution into various Districts, containing the Congregational and Presbyterian Churches under their respective Inspections; which Distinction, Division, or Distribution of Presbyteries, must needs have, at the Beginning, belonged to, and depended upon themselves, and not upon any superior Judicature, any Synod, provincial, national, or general. This is evident, to a Demonstration, from the very Nature and instituted Order of these Judicatures. Before there could be a Synod, of any Sort, there must needs have been a Plurality or Variety of Presbyteries, distinguished from one another, essentially necessary, according to the Scripture-Pattern, to the formal Being and Constitution of that Synod; which, before it had an Existence of its own, could not possibly have diversified these Presbyteries, or made any Distinction amongst them. *Nihili nulla sunt affectiones.* The first Synod of the Christian Church, and Pattern of all after Synods, set before us *Acts xv.* could not, before its own Existence and Meeting in *Jerusalem*, have distinguished, or diversified from one another, the Presbyteries of which itself was constituted; these, *to wit*, of the Churches of *Jerusalem*, *Antioch*, *Syria* and *Cilicia*; but must needs have supposed their previous Distinction and Diversity.

The Division or Distinction of Presbyteries, in the Christian Church, and in every well constitute Part thereof,

thereof, hath arisen from themselves, I humbly conceive, after the following Manner.

The Apostles, the first Presbyters and Presbyteries, having, by themselves, and others immediately or mediately ordained by them, propagated the Christian Faith through many different and distant Parts of the World, especially in many considerable Cities and populous Towns, did erect a Presbyterial Church, and, of consequence, a Presbytery, in each of these Parts, Cities, or Towns, where there happened to be such a Number of *Christians* as made up diverse Congregations, or Congregational Meetings, for participating of the Ordinances dispensed by diverse Pastors. Now, these Churches first erected, the Churches, for Instances, of *Jerusalem, Antioch, Corinth, &c.* being at such a Distance from one another, their Presbyteries must needs have been, in their first Erection, diverse and distinct Judicatures, having diverse and distinct Districts under their Inspection and Jurisdiction.

But supposing any of these Churches, in Process of Time, to have increased to such a Bulk and Extent of Bounds, to such a Multitude of Congregations and Pastors, as could no longer consist with the Nature or Ends of one Presbyterial Church, under one Presbytery; supposing this, I say, if it be asked, By whom might this Church (or any such overgrown Society) be divided? I answer, *By itself, in the most natural and easy Way.* Why? To such a Division nothing is necessary, but what, by natural Right, is in the Power of the Society dividing, *to wit*, the Consent of the Members, and Authority of the Whole, toward that Division or Distribution.

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In this Manner, I humbly conceive, the Presbyteries of this Church were erected, divided, or distinguished, after her Reformation from Popery, and after the Restoration of her Presbyterian Government, at the last Revolution. At both which Junctures, it is plain to me, the first Judicature that governed this Church, was, in its very Nature and Constitution, a *Presbytery*, and not a *national Synod*. This I have endeavoured already to evince, with respect to the first governing Judicature after the Reformation. In like Manner, and by such like Arguments, I might now clear, that the Case was the same, upon the last Restoration of Presbyterian Government.

Prelacy having been abolished by *Act 3. Parl. 1. K. William and Q. Mary, anno 1689.* and Presbyterian Church-Government having been restored and settled, upon the Footing of the Claim of Right, by *Act 5. Parl. 1. Sess. 2. K. W. and Q. M. anno 1690.* this Government, and the Exercise thereof, was established in the Hands of these Presbyterian Ministers, then alive, who had been outed (or thrust out of their Charges) since the first of January, 1661. for not conforming to Prelacy, or not complying with the Courses of the Times ; and who had been restored to their Churches and Benefices by the second Act of the fore-said Parliament. The Government, I say, and the Exercise thereof, was established in the Hands of these Ministers, and such Ministers and Elders only as they had admitted or received, or should thereafter admit or receive ; and the first Meeting of the General Assembly of this Church, thus established, was appointed to be at *Edinburgh*, the third Thursday of *October*, in the fore-said Year 1690. Now, if this Meeting was a General Assembly, in the common Acceptation of

of these Terms, or if it was a *National Synod*, according to the Scripture-Pattern; then it must needs have been made up (as the Synod of *Jerusalem* was) of Commissioners, or Delegates from Presbyteries; and these Presbyteries must needs have been distinguished, some how or other, before they could have commissioned, or delegated Members to that *Assembly*. How then, if it be asked, could these Presbyteries, in that State of the Church, have been distinguished? I answer, By Consent or Appointment of the Presbyters themselves; of the outed Ministers, *to wit*, into whose Hands the Presbyterian Church-Government was restored, and established by civil Authority, and to whom *indeed* of Right it belonged. These *Presbyters*, vested with this Government, meeting together in their Master's Name, and having, in their Assembly, no Delegates from particular Churches, must needs have been a *Presbytery of this whole Church*, at their first Erection; and from this grand Presbytery, with the Ministers and Elders thereby admitted and received, the lesser Presbyteries, constituting, by their Delegates, the foresaid General Assembly, must have had their Arise and Distinction from one another, either through the *authoritative Appointment* of that grand Presbytery, or the *voluntary Consent* of the Presbyters, associating together in lesser Classes, according to the Contiguity of their Congregations. That thus they were distinguished, previous to the Meeting of that first General Assembly, appears from the eighth Act thereof, *Allowing and approving the Ministers of different Presbyteries their associating in Presbyteries, ay and while the Vacancies of the said Presbyteries be filled, &c.*

3dly. I have said, That a *Presbytery* or *Presbyteries* have the *radical Quality of perpetual Use, or Usefulness*. As the Root is perpetually useful to the Stem that ariseth from it, and to the Production and Nourishment of its Branches, Leaves and Fruit; so *Presbyteries* are perpetually useful and necessary (under Providence) as well to the Being and Support of the Ministry and Judicatures of the Church, as to the Exercise of ecclesiastick Government and Discipline, in a stated, constant and ordinary Way. This is so plain and clear, from what hath been already said, and from what further will easily occur to the Observation of every thinking Person, but moderately acquainted with *Presbyterial Government*, and the Share that *Presbyteries* bear therein, and in the Exercise thereof, that I need not spend a Word in the Proof or Illustration of it: Therefore I shall proceed to the next Thing considerable anent a *Presbytery*.

2dly. I come now to speak a little of the constituent Members of a *Presbytery*, who, in my Opinion, are the *Pastors or preaching Presbyters of such associated Congregations as make up a Presbyterial Church*. Such Pastors, and they only, or a competent Number of them, are essentially necessary to the *Being of a Presbytery* and the *Exercise of its juridical Power*. This is plain to me, from 1 Tim. iv. 14. where the Judicature that ordained *Timothy*, with Imposition of Hands, is said, by the inspired Apostle, to have been a *Presbytery*; and, as no Man can question, but this *Presbytery*, imposing Hands on the Person ordained, in the Act of Ordination, was intire in its Essence, and complete in its Power; so, I think, as few can alledge, that any Church-Officer, inferior to a *Pastor* or *preaching Elder*, did partake in that Act. It
can

can hardly be pretended, that any Ruling Elders or Deacons laid Hands on that Evangelist, and yet such as ordained him were a Presbytery.

Where Ruling Elders or Deacons are wanting, or absent, a Presbytery's Existence, or juridical Power, can suffer nothing on that Account. Why? That Want is made up by the Pastors, whose Office, as Pastors, includes in it these inferior Offices, and, of consequence, capacitates them for doing whatever could be done by these inferior Office-Bearers. But, upon the other Hand, these inferior Office-Bearers, not having the pastoral Office included in their own, can never make a Presbytery, where Pastors are wanting or absent.

I do not, however, deny the Lawfulness or Expediency of Ruling Elders and Deacons their being Members of Presbyteries, but the Necessity only. The sixth *Chapter* of the *Acts* of the Apostles puts it out of Doubt with me, that Deacons, duly called, ordained and qualified, have Right to sit and judge with a Presbytery, in what concerns the Relief of the Poor, and the Distribution of the Church's Goods, or charitable Collections for that End; especially where there are not fixed Congregational Elderships for managing these Affairs. The Title of Ruling Presbyters, within the Bounds of a Presbyterial Church, to joyn with the preaching Presbyters, in the Exercise of Government and Discipline, is not here disputed, but supposed. The Questions only are, Of what Number of Ruling Elders, in Proportion to the Number of Pastors or preaching Elders, a Presbytery ought to consist? By whom should this proportionable Number of Ruling Elders be elected, or called to sit in Presbytery?

ry? And in what Matters ought they to have a decisive Voice and Judgment?

The two first of these Questions have their Occasion and Arise from the vast Number of Ruling Elders (much superior to the Number of Pastors) that are in some Churches, particularly our own; and that Number of these Elders hath again its Arise from the Settlement of fixed Congregational Elderships, or Church-Sessions, in almost all our particular Parishes; which having, for the most Part, but one fixed Pastor, must have several Ruling Elders to joyn with him, for making up a Judicature. Whether such an excessive Number of Ruling Elders for this End, or such an Erection of Congregational Elderships by that Means, is consistent with the divine Institution, and primitive Pattern, I shall not dispute; but that these, or either of them, are essential to the Being of any Christian Church, Congregational, Presbyterial, Provincial, National, or Universal, I have no Ground to think from the Word of God, or any other Authority whatsoever.

Upon the contrary, as I have already hinted, that a fixed Eldership, in every Congregation, is not of the Essence of a Congregational or Presbyterial Church, &c. and have vouched, for my Support in this Thought, the Authority of the *Westminster* Assembly, and of our own Church; so I now add, That seeing it appears from the Word of God, and the Consent of learned and judicious Men, that, in the Apostles Days, Congregations were not distinguished or fixed, as to their Pastors, Members, or local Bounds; nor, of consequence, could then have had fixed Congregational Elderships or Sessions; and yet, seeing, in these Days, while these fixed Elderships were wanting, the Constitution

Constitution of the Christian Churches, gathered and erected by these Apostles, &c. must be owned to have been then essentially complete and intire: Seeing these Things, I say, appear, it must necessarily follow, That Congregational Elderships cannot be essential to the Being of any Christian Church; nor an exceeding Number of Elders necessary for constituting such Elderships.

But, supposing a Number of Elders, superior to the Number of Pastors, to be necessary for constituting Church-Sessions, or for assisting Pastors of particular Congregations, in inspecting and censuring, with lesser Censures, not exceeding his or their Sphere, the Manners of the People, &c. yet such a Necessity of a Number of Elders, superior, or even equal to the Number of Pastors, cannot be pretended in any other Case, or for the constituting of any other Court. In Answer therefore to the first Question lately proposed, I conclude, That the Number of Ruling Elders in a Presbytery, or Presbyterial Consistory, must be inferior, as is their Office, to the Number of Pastors, or preaching Elders constituting that Court. This is plain to me from Scripture, Reason, and the Practice of this Church agreeable to both.

From Scripture it appears, That the Presbyterial Church of *Jerusalem* had many Pastors, *to wit*, twelve Apostles, *Acts* i. 12, 13, 14, 26. and ii. 14, 37. and vi. 2. and viii. 14. sundry Prophets, *Acts* xi. 27. and several Elders, *Acts* xv. 2, 4, 6, 22, 23. That, under the Inspection of these Pastors, it had a vast Multitude of Christians, sufficient to make up many Congregations, or different Assemblies for publick Worship; such a Multitude, as is called, *Acts* xxi. 20. *ποσαι μυριαδες*, many Myriads, or Ten thousand,

sands; and *that*, notwithstanding all this Multitude of Pastors and People, that Church had allowed her, by the Apostles, no more but seven Deacons, *Acts* vi. 3, 5, 6. Now, from this very small Number of Deacons, compared with the Number of Pastors and Congregational Assemblies that were in that Presbyterial Church, and, of consequence, in its Presbytery, I think it not unnatural to conceive, and infer, That, if there was, at that Time, any Ruling Elders, distinct from Preachers, in that Church, (which I dare not assert without Book) then their Number must have been, in all Probability, proportionable to the Number of Deacons, superior indeed to theirs, as is the Elders Office, but inferior to the Number of Pastors, by the same Rule.

It is inconsistent with Reason, at least with mine, That the Number of Ruling Elders, in a Presbytery, should be equal to the Number of preaching Elders. Why? Make their Number equal, and then their Power, in Matters of Government and Discipline, will be superior to the Power of Pastors, altho their Office is inferior by divine Institution! Thus, fifteen ruling Elders, in a Presbytery consisting of thirty Members, can, by siding together, and voting one Way, carry all before them, against the fifteen Pastors, whereof one, being Moderator or Preses, can have no Voice in the Case supposed. What then must become of the Pastors their Superiority of Office and Order, and of the double Honour especially due to them who labour in the Word and Doctrine, *1 Tim.* v. 17. Or rather what shall become of the Government and Discipline of all Presbyterial Churches (and consequently of the whole Church made up of these) when it is thus in the Hands, and

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at the Discretion of Ruling Elders only, Men of secular Callings and Employments, and not wholly dedicated to sacred Affairs?

Nor will a Number of Ruling Elders in a Presbytery, equal to the Number of Pastors, be consistent with the Practice of this Church in a like Case, *to wit*, the Case of Presbyteries their Commissioners to, and Representation in her General Assemblies. As this Representation of Presbyteries must hold Proportion to the Number of Parishes within their respective Bounds, so the Number of Ruling Elders, in the Representation or Commission, must hold Proportion (far from an Equality) to the Number of Ministers, of whom there must be two, at least, to one Ruling Elder; according to *Act 5. Sess. 3. Assen. 1694*. Now if, in a General Assembly, there should be two Ministers, at least, to one Ruling Elder, then, from a Parity of Reason, it will follow, that it should be so in a Presbytery. In the Cases, I am sure, there can be no specific Difference.

In Answer, therefore, to the second Question, it must follow, from what hath been said, That every particular Eldership, where there is but one Pastor, cannot have a Right to choose and delegate a Ruling Elder to sit in Presbytery. Why? In most Presbyteries this would still make as many Elders as Pastors. The most I can suppose allowable, in this Case, is, That either every two Sessions, most contiguous, should meet together, and choose one Elder of their Number to attend the Presbytery for a certain Time; or, that the one Half of the Church-Sessions, within the Bounds of a Presbyterial Church, should choose Ruling Elders, by Turns, to attend its Presbytery; or, otherwise, That the Presbytery itself should, from Time

Time to Time, choofe and call up, by Turns, out of the whole Elderſhips, ſuch a Number of the beſt qualified Elders, as can conſiſt with the Number of Paſtors, and may, through the Bleſſing of God, be moſt uſeful for promoting the ſpiritual Inter-eſt of the whole Prsbyterial Church.

The laſt of theſe Ways, of bringing Ruling Elders into Presbyteries, I humbly think the beſt, and moſt conſiſtent with the Nature of the Societies concerned, and their Relation to one another, as ſimilar Parts to an integral Body. A radical Court, ſuch as I have proven a Presbytery to be, cannot be made up of Delegates, in Part or in Whole. Nor indeed is there, in all the *New Teſtament*, to my Obſervation, any Pattern or Precept authorizing any inferior Society to delegate Members to a Presbytery, altho there is Authority enough for Presbyteries to delegate Members to ſuperior Judicatures.

The third Thing queried, was, In what Matters ſhould Ruling Elders, in a Presbytery, have a deciſive Voice and Judgment? In Matters of Manners or Practice, I think, that fall under eccleſiaſtick Government or Diſcipline, but not at all in Matters or Points of Doctrin-e, that are to be decided, according to the Word of God, by ſuch whoſe Office it is to labour therein, and in the Interpretation and Application thereof. This Deciſion ſeems as well founded as the Ruling Elder's Office, in the Scripture lately cited, *1 Tim. v. 17. Let the Elders that rule well be counted worthy of double Honour, eſpecially they who labour in the Word and Doctrin-e.* A Text, ſo plain for my Purpoſe, wants no Commentary; nor needs a Caſe, ſo obvious, any Illuſtration.

3dly. I come now to the intrinsic Power of a Presbytery within its own Bounds ; which, I assert, is *intire and complete, and intensively equal, tho not extensively, to the Power of any provincial, national, or general Synod.* This complete juridical Power, a Presbytery, as an integral Part of the Catholick Church politick, and as the first Subject recipient thereof, in Order of Time, hath communicated to it, by the *Lord Jesus Christ*, the Fountain of all ecclesiastick Power.

That such a Power every Presbytery hath, is plain, to me, from the *authentick Pattern* of that Judicature, the Presbytery, *to wit*, of *Jerusalem*, and other primitive Presbyteries constituted by the Apostles ; which Presbyteries (the Example and Model of such as were to be erected in the Christian Church) did possess and exercise within their own Districts, the whole Power of the Keys of the Kingdom of Heaven, committed to the Pastors and Rulers of the Church, by *Christ's Deed of Gift*, *Matth. xvi. 19. John xx. 23.* it is evident from the sacred Records, That, by these primitive Presbyteries, distributively and collectively considered, not only were the Word, and Sacraments dispensed to the Congregations of their Presbyterial Churches respectively, as *Acts ii. 42. and vi. 4. and xx. 7. 1 Cor. i. 14, 16.* but also the highest Acts of ecclesiastick Power, were exerted by them, and judged competent for them ; such as Acts of Ordination, and solemn Mission of Church-Officers, *Acts vi. 6. and xiii. 1, 3. and xiv. 23. 1 Tim. iv. 14.* and Acts of Excommunication and Absolution of Delinquents, *1 Cor. v. 4, 5, 7, 13. and 2 Cor. ii. 6, 7, 8, 9.* nor were these Acts of Power, Government, and Discipline, competent only to those primitive Presbyteries, because the Apostles, and other

extraordinary Officers were Members of the same, seeing they acted not therein as Apostles, or extraordinary Office-Bearers, but as ordinary Pastors or Presbyters. This I have endeavoured already to clear, and shall now only add, That had the Apostles met, and acted as Apostles, or as the universal Pastors of the Christian Church, then their Meeting or Consistory could not have been a Presbytery, but a General Council; and, of consequence, the Acts done by them in such a Meeting, Acts of Ordination, and the like, could be warrantably imitated by no Judicature below a General Council of the whole Church representative; which is most absurd to imagine!

As this complete Power of Government and Jurisdiction is a in Presbytery, so is it committed thereto, and lodged therein, as the first Subject recipient of that Power, and competent to exercise the same. I own, indeed, that the whole ministerial political Power, granted by *Christ* to his Church, and for the Behoof and Edification of his Body mystical, was given, *primarily*, to the Catholick Church, ministerial or political, as to one Society; or to the whole Rulers of that political Body, as the first Subject thereof, in Order of Nature; but, in Order of Time, this Power is given to all the integral Parts of that integral Body, according to the Existence and Capacity of every Part.

In this Thought I am supported by sundry learned Divines, particularly by our own pious and worthy Professor *Rutherford*, in his *Due Right of Presbyteries*, Chapter tenth; yea, supported, I hope, with greater Authority, the Word of God; whence it appears, to me, That *Christ* gave this Power to his Apostles, *primarily*, as Representatives of the universal Rulers of the whole

whole Catholick Church; and *secondarily*, as Representatives of the particular Rulers of all the particular Churches contained in that one Body politick. Now, after what Manner the Representatives were sent forth into the Church with this Power, our Lord himself hath told us, *John* xx. 21, 22, 23. compared with *Matth.* xvi. 19. and xxviii. 18, 19, 20. *As my Father, saith Christ, hath sent me, even so send I you, &c.* How then hath the Father sent the Son? He hath sent him, *first*, in Order of Nature, to the whole Church, the whole elect World; and *then*, in Order of Time, to this and that Person in the World, according as they exist, and are capable, through Grace, to believe in this Redeemer. *John* iii. 16. *For, God so loved the World, that he gave his only begotten Son, that whosoever believeth in him should not perish, &c.* Even so hath the Lord Jesus Christ sent his Ministers, clothed with ecclesiastick Power, *first*, in Order of Nature, to his Catholick Church visible; and *then*, in Order of Time, to this or that Part thereof, according to its Existence, and Capacity to receive the same; and, of consequence, in this Order hath he given that Power to these his Ministers, and the Judicatures constituted by them. Now, a Presbytery, being the Judicature of the Christian Church that is first in its Existence, Erection and Constitution, as I have but lately proved, it must needs therefore, in Order of Time, be the first Subject recipient of all ecclesiastick Power.

Nor is this Power of a Presbytery derived to it, from the *Catholick Church*, as the first Subject of Power, in Order of Nature, but is derived thereto, from *Christ the original Fountain*. There is no such Thing, in my Opinion, nor in the Opinion of much better Judges, as a Derivation of *ecclesiastick Power*

from one terrene Subject thereof to another, but all from the *primitive Source*. A Pastor's Power of Order is not derived to him from the *Presbytery* by which he is ordained, or Congregation by which he is elected, but from *Jesus Christ*. The Congregation, *indeed*, is the Means, in the Hand of Providence, of pointing out the Subject in which *Christ* thinks fit to lodge that Power, and the *Presbytery* the Instrument of the *solemn Investiture*; but the *Deed of Gift*, conferring the *ministerial Power*, is *Christ's*; and the *Deed of Conveyance or Delivery*, is only the *Presbytery's*, in *Christ's Name*. Hence we find the *Elders of Ephesus* are said to have got the pastoral Authority and Oversight of their Flocks, not from any human Power, but from the *Holy Ghost*, *Acts xx. 28. Take heed therefore unto your selves, and, to all the Flock over the which the Holy Ghost hath made you Overseers, &c.*

And as *Presbyters* derive their Power of Order, so *Presbyteries*, made up of these, do derive their Power of Jurisdiction directly and immediately from *Jesus Christ*; who, tho he hath given all *ecclesiastick Power*, *first*, in Order of Nature, to the *Catholick Church*; yet, as has been before hinted, he confers that Power, in Order of Time, upon *Presbyteries*, and other *integral Parts of that great Body*, according to their *Existence and Capacity*. This is illustrable by many natural Similitudes. Thus, the *Author of Nature* hath given a discursive Faculty, *first*, in Order of Nature, to *Mankind*, or the *human Nature in general*; and then, in Order of Time, hath given the same, to *this or that Man in particular*, as an *integral Part or Individual of Mankind*; yet this or that *Man* derives not that Faculty from the *human Nature*,

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or the rest of Mankind, or his own immediate Parents, the Means of his Production; but immediately from the Author of Nature, God himself. In like Manner, the human Soul is infused into the whole human Body, as its first Subject recipient; and then into all the Parts of this organized Body, according to the Capacity of every Part; but this or that Part doth not derive the Soul from the whole Body, or the other Parts thereof, but only and *allenary* from God the Father of Spirits. Just so ecclesiastick Power is given to the whole Church politick, as its first Subject, in Order of Nature; and then to Presbyteries, and other integral Parts of that Catholick Body; yet neither doth a Presbytery, nor any other Part, derive their Power from that Body, but only and *allenary* from Jesus Christ, the common Head and original Fountain of the Church, and of her Power. In fine, As the human Soul is in the Body natural, so is ecclesiastick Power in the Body politick; *Totum, scil. in toto, & totum in qualibet parte.*

S E C T. II.

Of Provincial Synods.

IT is neither my present Business nor Design to prove the Lawfulness of Synods, or their Institution by divine Authority, as ecclesiastick Courts superior to Presbyteries; this hath been done to my Hand by many of greater Abilities. Nor need I spend Time in clearing what is universally owned, by all that own Synods, *viz.* That all of them, provincial, national and oecumenical, are of the very same Nature and Kind, and differ not from one another *specifically,*

Specifically, or in regard of their *Essence*, *Constitution*, or *Power*; but *circumstantially* only, in regard of their *Extention* or *Bounds*, &c. Hence is it, that the *Synod of Jerusalem*, mentioned *Acts xv.* is adduced by Divines as the authentick *Pattern* of all *Synods*, or *Assemblies* superior to *Presbyteries*. Seeing therefore what I am to advance, concerning the essential *Properties* of a *Provincial Synod*, will be equally applicable to other *Synods*, I must beg *Liberty* to insist the longer upon them.

A *Provincial Synod* or *Assembly*, is, as I conceive, an *occasional Judicature*, consisting of all the *Presbyteries* within its *Precinct*, convened together, in their *Master's Name*, for their mutual *Help* and *Edification*, and for managing such *extraordinary Affairs* of publick *Concern*, as providentially fall into their *Hands*; for which *Ends* this *Court*, within its own *Bounds*, hath a complete and intire *juridical Power*.

All I intend, by this *Definition* of a *Provincial Synod*, is to make *Way* for some *Thoughts* I am to offer; with *Submission* to those who have a greater *Faculty* of thinking, anent the *occasional Nature*, the *constituent Members*, and the *real Power* of that *Court*.

First then, I call a *Provincial Synod* (and indeed every *Synod*) an *occasional Judicature*, to distinguish *Synods*, and their *Business*, from *Presbyteries* and theirs, which appear to me very distinguishable. That *Judicature*, in my humble *Judgment*, is not intended or appointed, by the *Head* of the *Church*, for exercising its *juridical Power* at all *Seasons*, or in all *Cases* of *Government* and *Discipline*; but upon some special emergent *Occasions*, and in *Cases* only that are *singular*, *extraordinary*, or *difficult*. Why? The *Government*

Government and Discipline of the Church, in the constant and ordinary Exercise thereof, is committed to *Presbyteries*, as *constant* and *ordinary* Courts of Judicature, and not to *Synods*; which, saith Professor *Rutherford*, in his forecited Book, Page 306. are not *ordinary* nor *constant* Courts; but *extraordinary*, and, *pro re nata*, *occasional*, having their Arise from some Occurrence of Providence. And this he clears, both with respect to *Presbyteries* and *Synods*, by Instances from Scripture. The Church of *Ephesus*, saith he, being a *Presbyterial* Church, did constantly exercise Discipline, and try false Prophets, and those which called themselves Jews, but were not, Revel. ii. 2. Whereas that famous Council at *Jerusalem* was not an *ordinary* and *constant* Court, but *extraordinary*; that is, saith he, *occasional*, and had its Rise from a mere Occasion; Acts xv. 1. Because some came from *Judea* and taught the Brethren, and said, Except ye be circumcised, after the Manner of *Moses*, ye cannot be saved. And, from the sixth Verse of the now cited Chapter, this worthy Author makes it plain, That the subject Matter of that Synod's Consideration and Judgment, was not the constant and ordinary Affairs of Government and Discipline that belonged to the *Presbyteries* of *Jerusalem* and *Antioch*; but only an *incident Controversy*, raised by false Teachers, Subverters of Souls.

Now, if the Synod at *Jerusalem* was of such a Nature, not an *ordinary* nor *constant*, but an *extraordinary* and merely *occasional* Court; and if its Business, or the subject Matter of its Deliberation and Cognizance, was not the ordinary Affairs of Government and Discipline belonging to the *Presbyteries* concerned; if it was so, I say, with that Synod, the Pattern

Pattern of all after Synods, how it can, *de jure*, be otherwise with any of them, in regard of their Nature or Business, is far above my Comprehension!

I shall not, however, doubt, but it may be lawful and convenient, that *Synods, Provincial and National*, have their stated Times and Places of meeting, for attending the Occurrences of Providence within their Bounds, and for taking under Consideration such Affairs as are proper for them, and may *occasionally* occur to them; but I very much question, if, when they have not Business of their own, they should meddle with that which properly belongs to Presbyteries; for so doing, I think, they have no Scripture-Warrant or President, but upon the contrary.

2dly. *The constituent Members of a Provincial Synod, are all the Presbyteries within its Precinct, convened personally, or by their Delegates, duly and proportionably elected and commissioned to that Effect.* The last of these Ways seems indeed most agreeable to the Scripture-Pattern left for Synods; but the Manner of their convening not being essential, but extrinsic to their Nature, may be regulated, according to their Extent, by the Laws of Reason, and the general Rules of God's Word consonant thereto. The greater Associations, as *National Synods*, must meet by their Delegates only, that so the particular Churches be not left, for any Time, wholly destitute of Pastors, and that the Number convening be not so excessive, as to occasion Difficulty, Trouble, or Disorder in the Proceedings and Management of the Court; yet lesser Associations, as *Provincial Synods*, not so obnoxious to these Inconveniencies, may meet, notwithstanding, by all their Ruling Officers personally. This Diversity,

versity, in the Manner of greater and lesser Assemblies their Meeting, hath so much of Reason and natural Expediency, that, seeing it is opposed by nothing in the Word of God, it becomes necessary, or Matter of Duty.

It is, however, apparent to me, That, meet Synods as they will, they must still derive all their Members from the same Source, in the same Ways. All of them, I mean, must proceed from the same Judicatures, in virtue of a personal Right, or of a Delegation; and therefore I cannot help thinking, that Provincial, as well as National Synods, must be wholly constituted of Presbyteries, and not in the least of Church-Sessions; and that their constituent Members must be all Delegates, or none of them Delegates. Were it otherwise, then National and Provincial Synods must needs be different from one another in their very Essence and Constitution, albeit they both have but one and the same Model or Pattern, the Synod of Jerusalem, Acts xv. to imitate.

I must therefore infer, That the constituent Members of such Provincial Synods, as are not made up of Delegates, but of Office-Bearers, compearing in virtue of their personal Right, are *all the Pastors and Ruling Elders of all the Presbyteries within their respective Districts*. By all the Ruling Elders of Presbyteries, I do not mean all that reside in their Bounds, and officiate in their Sessions; but all that have been, or have had a Title to be actual Members of the respective Presbyteries since the last precedent Meeting of Synod: All these, without any Delegation, have, as well as the Pastors, a Right, in my Opinion, to be Members of the subsequent Meeting of that Synod.

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This, I own, is not agreeable to the Practice of our Church, (and I am sorry for it) in the Constitution of her Provincial Synods: But, seeing these differ from the Constitution of her General Synod, I hope, it shall not be thought criminal in me to prefer the last named to the first; nor at all faulty to propose a Way, as I have done, wherein these Judicatures may be, *de facto*, as they are, *de jure*, of the same specific Nature, and of a like Conformity to the divine Standard: Which indeed I think unattainable, so long as our Provincial Synods derive not all their Members from Presbyteries, as Office-Bearers therein, or Delegates therefrom.

My Reasons for so thinking, besides what I have already hinted, are shortly these. *First*. The original Model of Synods, left for our Imitation, *Acts xv.* was made up of Members and Delegates of Presbyteries only, and not, in less or in more, of any from Church-Sessions. The constituent Members of that Court were the Apostles, and Elders from the Presbyterial Church of *Jerusalem*, *Acts xv. 6.* *Paul, Barnabas*, and others, from the Presbyterial Church of *Antioch*, *Verse 2.* compared with *Verse 12.* and it is more than probable, from *Verse 23.* that there were Delegates also from the Presbyterial Churches of *Syria* and *Cilicia*; but not a Word, in all the History of this famous Synod, nor indeed a Word, in all the *New Testament*, of any Officers or Delegates from any Church-Session, or Congregational Eldership distinct from a Presbytery! And I very much doubt if such a Distinction was then in Being. *2dly*. This Case is plain to me from the Nature of Things, as appointed by infinite Wisdom. It is a radical Judicature, essential to the ecclesiastick Constitution, complete in its Being, Power, and

and Operation, that can be competent to afford or delegate Members, for constituting an higher Judicature, by which the highest Acts of ecclesiastick Power may be exercised. But such is a Presbytery, and not a Church-Session. This Proposition, I am sure, is founded in Reason; and the Subsumption being clear, from what is advanced in the foregoing Section, I shall only add, for its further Illustration, the Testimony of our reverend Professor Rutherford, who, in his *Due Right of Presbyteries*, Chap. 10. Sect. 10. Page 302 to 308. is at Pains to prove, That *albeit a congregational Church be a true visible Church, having all that is necessary thereto, ad esse simpliciter, as the Word and Sacraments, &c. yet being, at the same Time, but a Part or Member of a Presbyterial Church, is not perfect or complete in its Power or Operations; but that the ordinary Power of ordinary Jurisdiction in a more perfect Way, because of ordinary and perfecter Consociation, is given to the Presbyterial Church, as to the proper Subject, &c.*

I have done with this Head, when I have but insinuated, in so many Words, That tho Church-Sessions should be allowed no Title to delegate Ruling Elders to Provincial Synods, yet have they no Ground to complain, as if they were not, in this Case, represented therein. Why? They are represented, and very sufficiently, by the whole Pastors and Elders that sit in Synod, ~~and~~ Office-Bearers of the Presbyterial Church whereof they are Members: More especially, every Congregational Church is represented by its Pastor, at least, who is not a Pastor only, but a Ruling Elder, and a Deacon also. And if, to complete the Representation, they want a Christian of their Number to sit in the Synod, then they have this in their

Pastor, obliged to be such, in the strictest Sense, and so to be reputed by them, in the Judgment of Charity. And what more than all this would they have? Or what more have they in a General Assembly, a Court of the same Kind with a Provincial Synod? Nothing, perhaps, will please some, tho I hope for better Things from the Generality of our Sessions, unless they have Access to help to pack Synods for serving Turns! And this to do, by delegating not Elders of their own Number, but Strangers; such as have always lived, and, by Office and Interest, are obliged to live, at many Miles Distance from them; such as never were Members of their Congregational Churches, or in stated Communion therewith; yea, such as, tho they have Heritage in their Parishes, never, perhaps, lodged one Night within the same, nor ever resided within the Bounds even of the Synod itself! From Topicks in Religion and Reason, I would endeavour to decry such unaccountable Delegations, if I saw them prevailing, or drawn into President; and, as it is, I might say somewhat on this Subject, if I were not overcome by a just Regard to some concerned.

3dly. I come now to inquire into the real Power of Provincial Synods, which, I willingly acknowledge, is complete and intire within their own Bounds. For it being a Maxim in Church-Policy, That every perfect politick Body hath Power of Church-Government within itself; and a Provincial Synod, being such a Body, must, of consequence, have this Power, intensively equal to the Power of a National Synod, or even of a General Council; yet so, as this Synodical Power is not privative of, nor destructive to the Power of Presbyteries, but cumulative with, and perfective of the same; and so, as it is not superior to the Power of Presbyteries

Presbyteries *intensively* or *subjectively*, but *extensively* or *objectively* only.

There is, notwithstanding, in the Church, a due Subordination of Judicatures; of Presbyteries to Synods, and of lesser Synods to greater. But this, I think, is not founded in a *Superiority of intensive Power*, but rather in a Superiority of Capacity, to exercise, aright, the same Power, or to regulate, to Purpose, the Exercise thereof. Tho the Power of a Presbytery be the same, *in specie*, with the Power of a Synod; yet *this* being a more *angust* and *numerous Assembly*, exercising the same Power in a more *ample, illustrious and extensive Manner*, is therefore of greater Authority, Obligation and Influence, than a Presbytery. And albeit a Presbytery's Power within its own Bounds, being derived, as hath been proven, from none other than the original Fountain, is not subject to, or dependent upon a *Synod*; yet the Manner of exercising the same, or the Question how it hath been exercised, *pro hic & nunc*, or how it shall be exercised, *pro futuro*, may come, occasionally, under the Cognisance of this superior Court, and be determined thereby; not, *indeed*, according to the *arbitrary Will of Synods*, as standing upon higher Ground, and acting in a higher Sphere than Presbyteries; but according to the Merits of the Cause, and in Conformity to the Rule of God's Word, and the Law of Nature, equally binding upon all Judicatures.

Such a Power in Synods, and so regulated in its Exercise, I heartily own to be of *divine Institution*, and *great Expediency*. But any Power in them, inconsistent with, or destructive to the radical inherent Power of Presbyteries, I am obliged to disallow, as being, in my Opinion, *Potentia assumpta, minime ve-*

ro potestas a Christo derivata. Nor can I help thinking it a Power of this Sort, of a quite wrong Stamp, that is assumed by Synods, when they pretend to nullify or make void the Solemn Deeds of Presbyteries, that are not, ab origine, null in themselves, and in their own Nature; and when they take upon them to commit, to extraneous Persons, any Part of the Power or Work the Head of the Church hath committed to Presbyteries within their own Bounds. These, and such as these, are not, in my Opinion, Acts of Power competent for any Synod or other Court.

A Presbyterial Deed, the Ordination, for Instance, or Admission of a Pastor, may be attended with considerable Imperfections, Failings and Defects, and yet may be right in the Main. And tho it is accompanied with such Failings in Circumstantials or Modes of Procedure, yet I reckon it is not *funditus* wrong, but materially valid, when nothing is wanting that is essentially necessary to the Being thereof, or to the Being of the ministerial Calling, or pastoral Relation, intended thereby. In such a Case the circumstantial Faults may be censured in the Presbytery faulty, *pro ratione delicti*; but the Deed itself of Ordination, or even Admission, cannot be annulled, made void, or reversed, by any Synod. Why? It is the Deed of the Holy Ghost, by the intervenient Means of a Presbytery duly authorized. Such was the special Mission of Paul and Barnabas (a Deed of the same Nature with what we call Admission) *Acts* xiii. 3, 4, and such was the Deed by which the Elders of Ephesus were set over their Flocks, *Acts* xx. 28. Now, how a Synod can nullify, make void, or reverse, a Deed of the Holy Ghost; or how they can judge and declare the same to be, and to have been, void and null from the Beginning,

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is indeed above my Comprehension ! The Validity of such Deeds depends not, I think, upon every circumstantial Mode of Mens Proceeding thereto, but upon the Authority of Jesus Christ, and his Institution materially observed, by such as are clothed with his Authority to do the same, and have his promised Presence with them therein, Matth. xviii. 20.

The Cases, of Isaac's Blessing to Jacob, and the Princes of Israel their Oath to the Gibeonites, deserve the Consideration of all, but especially of such as think nothing to reverse a Deed, if they can find or make a Flaw in it, that hath been done in the great Name of God, or of Jesus Christ co-equal with the Father. In the first of these Cases, it appears from the History, Gen. xxvii. That Isaac's Blessing was obtained by Fraud, a Thing, in itself, very culpable, yet, having been pronounced in God's great Name, and according to his Purpose, was irreversibile ; as Isaac told Esau, Verse 33. ---- *I have blessed him, meaning Jacob, and he shall be blessed.* In like Manner, the Princes of Israel their Oath to the Gibeonites, was craftily and fraudulently procured by this People, as well as rashly and unadvisedly given by these Princes ; yet, having been made in the great Name of God, it could not be reversed or annulled, as is plain from that History, Josh. ix. in the nineteenth Verse of which Chapter, the Princes, after perceiving the Cheat they had met with, exprest themselves, notwithstanding, in these Words, *We have sworn to them by the Lord God of Israel ; now therefore we may not touch them.* Nor, indeed, might they touch their Lives secured by that Oath ; for Saul's daring to transgress it, in slaying their Posterity, we see, that the Israelites (Partakers, no Doubt, in his Sin) suffered three Years Fa-
mine,

wine, 2 Sam. xxi. 1. and seven Men of his bloody House were hanged to Death, Verse 9. before the Lord's Anger was turned away. These Passages, I own, confirm to me, the old Maxim, now exploded by many, *Falsa valent, quæ fieri non debeant*.

In the next Place I come to clear, as I can, That Synods have no divine Right or Title to commit, to extraneous Persons, any Part of the Power or Work the Head of the Church hath committed to Presbyteries within their own Bounds, upon Pretext of their former, or Presumption of their future Failings, so long as they retain their Office, and special Relation to their Presbyterian Churches.

By extraneous Persons, I mean Members of other Presbyteries, picked out, and appointed by Synods, or Commissions of Assembly, for carrying on the Settlement of Ministers, against the Will, and without the Consent of the Presbyteries concerned in the Vacancies to be planted, under the Notion of Correspondents, or conjunct Meetings with these Presbyteries, or else of Committees of Synods or Commissions, clothed with their Power, in the Cases committed. Such Persons, under one or other of these Notions, are, now a-days, appointed, whensoever a Presbytery, judging themselves or their Presbyterial Church lesed by the Sentence of a Synod or Commission, do appeal therefrom, or enter a Complaint there-against, to the supreme Judicature! which Appeals or Complaints, I must observe by the Way, are not just Grounds or Occasions for making such Appointments as I now speak of, supposing them lawful in themselves; upon the contrary, I humbly think, that the Appeal or Complaint, of one Court against another, ought to sist the Procedure of both, till the Question is determined by

by the Court appealed to. Why? This Case is not the same with the Case of a private Party, appealing from one Judicature to another, but hath a great deal more in it. There is here, in the Field of Debate, not only the Merits of the original Cause, but also the Interest and Authority of the Judicature that hath proceeded therein in their Master's Name; and are willing, upon their Peril, to defend their Proceedings at the Bar of their lawful Superiors. Now every Sentence that passeth against their Conduct, and every Step in Opposition thereto, implies a Delinquency in them, and is a real Censure upon them; and if they cannot, by Appeal, stop the Progress of such Censures, then are they (for acting in their Master's Name, according to their best Light) in worse Case than any Fornicator, Adulterer, &c. whose Appeal, duly prosecuted, doth sist the Execution of the Sentence against him, according to our Form of Process, Chap. 3. Parag. 10.

But, supposing a Synod might proceed after an Appeal made by a Presbytery, yet, I humbly think, it is not by appointing Correspondents, &c. but by appointing, or peremptorily commanding that Presbytery to do their own Duty, or what the Synod judgeth proper to be done in the controverted Case. And then, if the Presbytery be found, by the supreme Court, to have been faulty, before or after making their Appeal, they are to be censured, and very justly, according to the Degree of their Demerits.

These Things being premised, I proceed to offer such Reasons as occur to me, Why no Synod nor Commission hath a divine Right to appoint Correspondents, or Committees of their own Number, extraneous to a Presbytery, to exercise any Part of the Power, or do any Part of the Work, without their Consent, that be-

longs to such a Presbytery within their own Bounds; particularly with respect to the Settlement and Ordination of Ministers.

First. Such Appointments of Correspondents, or Committees, appear to be inconsistent with the Scripture-Pattern, and Rule of God's Word, in such Cases. Why? In the *New Testament* Records, we have sundry Instances of Presbyterial Churches, whose Presbyteries, or Rulers in the Apostles their Days, gave the same Occasion that Presbyteries give in our Days, for appointing them Correspondents; there were then, I mean, as well as now, Faults and Failings in ecclesiastick Proceedings, and in the Exercise of Presbyterial Power; yet we do not read, that ever the Apostles, to cure or prevent these Mismanagements, did send any Correspondents, or Committees, to those primitive Presbyteries; or that, in any of their Epistles to the Churches concerned, they ever so much as insinuated the Lawfulness or Expediency of so doing; but, upon the contrary, we find, that in a Consistency with Christ's Institution, and according to the Mind of his Spirit, these faulty in Presbyteries were censured and threatened, but never with *Correspondents* or *Committees*, extrinsick to their Society. For Instances, to clear these Facts I argue from, the following, I hope, will suffice.

The Presbytery of *Corinth*, or the Society of Presbyters governing that Presbyterial Church, were very faulty and defective, in not excommunicating the incestuous Man, who had his Father's Wife; for which Neglect of the Exercise of Discipline, the Apostle Paul sharply reprehends them, and enjoyns them to set about the Duty they had too long omitted, after such a Manner as he lays before them, 1 Cor.

v. 1, 2, 3, 4, 5, 6. But does this *Apostle*, or the *Spirit of God* by him, appoint that Presbytery any Correspondents, &c. because they had failed in Duty, or might disobey, and not put his Commands in Execution? No! He is so far from every Thing like this, that, tho he appears to have been offended with them, and to have already judged that incestuous Person worthy of Excommunication, yet so tender is he of their Authority and Privilege, that he will not take their Work out of their Hands into his own; he will not pass the Sentence himself, but leaves it to be done by them, of whose Church the Delinquent was a Member. After the same Manner this great *Apostle* treats that Presbytery, with regard to the Relaxation of the same Person, tho he understood the *Penitence* of the excommunicate Person, and saw it was high Time to relieve him of that Censure, which, by the Blessing of God, had produced its due Effect; yet the *Apostle*, notwithstanding all this, and his extraordinary Authority, will not relax him! but, in a second Epistle to that *Presbyterial Church*, recommends it to those to whom it immediately belonged, whom he even beseecheth, that they would, by relaxing him, confirm their Love towards him, 2 *Cor.* ii. 6, 7, 8.

Another Instance, for my Purpose, is afforded by the Epistle to the Angel of the Church of *Pergamas*, *Revelation* ii. 12 to 18. That this was a Presbyterial Church, and that, by its Angel, is meant its Presbytery, or collective Body of Pastors, (few Presbyterians and with such only have I here to do) will, I hope, deny. To this collective Body of Presbyters, which may well call the Presbytery of that Church, the *Spirit of God*, by the *Apostle* John, writes an Epistle,

wherein they are blamed, reprehended, and threatened for a Fault in their Management, and a Defect in the Exercise of their Presbyterial Power, to wit, for having in their Church, and not casting out of the same corrupt Teachers, *such as held the Doctrine of Balaam and the Doctrine of the Nicolaitans*, Revel. ii. 14, 15, 16. Now, what does the Lord Jesus Christ, for correcting the Management, and supplying the Defect of this faulty Presbytery? Does he, the best Judge of what was proper to be done, and to be left as a Pattern to the Christian Church in such Cases, take the Power, at-rights, out of that Presbytery's Hands, and give it, or the Work they had neglected, to other Presbyters, extraneous to their Presbyterial Church? No, by no Means! He only exhorts, and commands them to *repent*, which implies their Amendment; and threatens, that else *he would come unto them quickly and would fight against the false Teachers with the Sword of his Mouth*, Revel. ii. 16. not with the Rod of Discipline taken out of the Hands of that Presbytery that had neglected to use it, and put in the Hands of *Correspondents* or *Committees*; not a Word of this!

To these adduced, I might add other Instances, of the same Nature, from the Epistles unto the *Angels* or *Presbyters* of the Churches of *Thyatira* and *Sardis*, Revel. ii. 18 to 29. and Revel. iii. 1 to 6. but, for Brevity's sake, I forbear insisting upon them; but may argue, and infer from what hath been advanced, That seeing neither Christ nor his Apostles did take Occasion, or find Necessity, from the Faults and Failings of the primitive Presbyteries, to take out of their Hands and commit to others, extraneous to their Presbyterial Churches, any Part of the Power or Work properly belonging

belonging to them; seeing, I say, it is so, and appears so to be from the sacred Records, it must necessarily follow, that no Synod or Commission can now do, to Presbyteries, or against them, what Christ or his Apostles never did, in such Cases, nor threatened to be done.

2dly. An Obtrusion of Correspondents or Committees, is inconsistent with the divine Pattern and Rule of the Word, so likewise with the Nature of Presbyteries, and of that special Relation they have to their Presbyterial Churches. A Presbytery, as I have cleared already, is a Judicature of divine Institution, complete in its Essence, Power and Operations, deriving this Power, and Capacity to exercise the same, from none less than the Head of the Church Jesus Christ the Lord; and having its Relation to its Presbyterial Church, and its Title to discharge all the Duties of this Relation, specially constituted by him, as being set over the same by the Holy Ghost, and obliged to feed all the Flock, of which he hath made them Overseers or Bishops, Acts, xi. 28. Now, this being the Nature and Case of Presbyteries, how can the Obtrusion of Correspondents be consistent therewith! If Christ hath made them complete Judicatures, can a Synod or Commission make them more complete than the Lord hath made them, by adding to his Institution their Correspondents, &c? If he hath committed to Presbyteries all the Power of Discipline and Government within their own Bounds, and all the Affairs about which this Power is to be exercised, can a Synod or Commission take any Part of that Power, or that Work Christ hath granted them, out of their Hands, and commit the same to others, to Correspondents or Committees? And, if Christ hath constituted a special Relation betwixt Presbyteries, and the whole Presbyteri-

al Church of which the Holy Ghost hath made them Overseers, and hath intitled and obliged them, conjunctly and severally, to discharge, in their own Persons, the Duties of this Relation, as is plain from *Acts* xx. 28. then; and in this Case, can a Synod or Commission authorize Correspondents, or Committees, to break in upon that Relation of Christ's constituting, or upon the relative Duties he hath intrusted to those that are installed therein by the Holy Ghost? No certainly! *Synods* or *Commissions* can, *de jure*, make none of these Encroachments upon the Authority of Jesus Christ, nor upon the Rights he hath established in *Presbyteries*; and yet, *de facto*, all these Encroachments are made by the *Obtrusion* of *Correspondents* and *Committees*.

Such Correspondents, very improperly so called, while they naturally tend to ruine Concord and Correspondence amongst Co-Presbyters, do destroy the Power committed by Christ to *Presbyteries*, by joining the lesser Part, which is not the Judicature, against the greater, which is; and by turning the Balance of Power, with their own overbearing Voices, to the Side it belongs not to. And such Committees, acting within the Bounds of *Presbyteries*, as the sole Judges in Matters committed, leave *Presbyteries*, in these Cases, not any Share in that Power that is wholly their own by their Master's Grant. And both the one and the other subvert the Power of *Presbyteries*, by taking out of their Hands the Work and Business they are intrusted with, and, by their special Relation, obliged to perform.

The *Object* of Power is so connected with the *Subject* of it, that whoever takes away the one (and puts it in other Hands) leaves but a mere Shadow in the other;

other ; or, in plainer Terms, whoever takes away from a Presbytery, (the Subject of all ecclesiastick Power within its own Precinct) the Object of this Power, or Work to be performed thereby, does, in so far, leave that Presbytery but a Shadow of Power, in the Particulars abstracted ; just so, as if the Magistrates of a Royal Burgh, elected by the Corporation, and thereupon clothed by their King with complete Power of Government and Jurisdiction within the same, should, by a Meeting of the *Royal Burghs*, have their Office of Magistracy continued with them, but, at the same Time, should have taken out of their Hands, and put in the Hands of Strangers, *Magistrates of other Corporations*, principal Parts of their proper Work, as the Management of the *common Good*, the regulating the Affairs of Trade, or admitting Fellow-Magistrates into any emergent Vacancy, &c. Now, in such a Case, what more than an empty Shadow of Power, notwithstanding their *magna charta* from the Sovereign, would be left with these injured Magistrates ? Yea, what else would themselves become, in the Affairs committed to others, and in their Reputation for Business, but *insignificant Cyphers* ? Nor is this the worst of it ! But, in that Way of doing, the Authority of the Prince, interposed by the original Charter of the Burgh, is trampled upon, and the Privilege thereby secured to the Burghers, of being governed by their own Magistrates, and not Foreigners, is infringed ! *So is it, and worse also, in the Obtrusion I impugn.*

A Presbyterial Church, being a complete organical Body of Rulers and Ruled, mutually united and related together by Association, tacite or expresse ; the ruled Part thereof can no more have Foreigners, or new Rulers,

Rulers, obtruded upon them, without their Knowledge or Consent, than a particular Congregation could lawfully have a Pastor set over them in that Manner. The Encroachment, in both Cases, is, I am sure, essentially the same; and so much the greater is the Encroachment made upon the whole Presbyterian Church, by these *foreign Rulers*, if their Business is to settle a fixed Pastor, who is to have a Share in the common Government to which they are all subjects. How can such *Strangers* settle such a Man, as a Governor related to that whole Church, without the Consent of the People of the several Congregations, (abstracting from his own) at least, without the Consent of their already established Governors and Representatives? And for what good Reason can they be subject to the Government of a Person thus settled in their Presbyterian Church, but not by its, or its Rulers?

In fine, such is the Relation constituted by Christ, betwixt a Presbytery and a Presbyterian Church; and such is the Power granted them, and Obligation laid upon them, by him; to discharge personally the Duties of that Relation, (as I have already observed from *Act xx. 28.*) that neither *Correspondents* nor *Committees* can be warrantably appointed to discharge the same, or any Part thereof, in their Room or Stead, and without their Consent, so long as that Relation subsists. Why? It must hold in this, as it does in other special Relations instituted by God, whereof the Privileges and Duties, peculiar thereto, do allenarly belong, by divine Appointment, to the Parties installed therein, and to none else. Thus is it, for Instance, in the conjugal Relation; the Duties peculiar to which, do so specially pertain to Husband and Wife, that,

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sanctae matrimonii, they cannot lawfully be performed, nor appointed to be performed by any other. Committees or Correspondents, under the highest Pretences of human Authority, or of the Necessity of the Case, would be but violent and wrongful Intruders upon this Relation, and the Privileges of these Relatives.

2dly. This Obtrusion I impugn, is inconsistent with these Correspondents and Committees their Station in the Church, and the Powers granted to them by the great Lawgiver and Fountain of Power. Why? The Station they hold in the Church, is nothing else, but that of ordinary Presbyters; and as such, supposing them all Preaching Presbyters, they have no juridical Power but in the Meetings of the Presbyteries (including the Church-Sessions) whereof they are fixed Members; and in the Meetings of superior Courts Synods or Assemblies, of which their own Presbyteries are a Part. But the Presbyteries, with which they pretend to correspond, or in whose Bounds they assume a Jurisdiction, are none of these Courts: therefore I must conclude, that, in such Presbyteries they have no juridical Power.

The only Thing I have here to prove, is, That ordinary Presbyters can have no juridical Power, but in the Judicatures I have just now assigned them; which, indeed, is plain to me, from the Word of God, manifesting, That, as Presbyters can only have and exercise juridical Power in collegio, or in a Judicature met in Christ's Name, *Matth. xviii. 20.* so there are no other Judicatures of his Appointment, in his Church, but such as I have named, in which this Power can be exercised by Presbyters: Therefore, to these Judicatures, all ordinary Presbyters, in the Exercise of their juridical Power, must needs be con-

fin'd;

shews, and I affirm, I with good Warrant, I hope,
 that to these they are confined, and on one of every
 Specie of them, one Church-Session, one Presbytery,
 one Provincial Synod, &c. so it certainly was, with
 ordinary Presbyters, in the Apostolic Days. They then
 exercised their jurisdictional Power, but in that one Eccle-
 siastick Court, or Consistory, to which they belonged
 respectively. So did the ordinary Presbyters of the
 Presbyterian Church of Ephesus, and so were they
 commanded, Acts x. 28. To take heed to themselves,
 and to all the flock over the which the Holy Ghost had
 made them Overseers, or Bishops, &c. but not a Word
 of their taking heed to, or meddling with the Flock
 of the Minister of any other Presbyterian Church. And
 just so it appears to have been with the ordinary
 Presbyters of the other Apostlick Churches, and of the
 Church of Corinth. Had it been otherwise, then it
 is presumable, that when the Spirit of God, by the
 Apostles John and Paul, in the Epistles to these Churches,
 commends or reproves their judicial Proceedings,
 or Presbyterian Management, he would not have quite
 overlooked their Correspondents and Committees, with-
 out giving them a Share in those Commendations or
 Reproofs; but, it seems, they were not then come to
 so Fashion in the Christian Church.
 Not indeed can it stand with Reason, or the Na-
 ture of Things, that an ordinary Presbyter should
 have a jurisdictional Power in more Courts than one of the
 same Kind, at the same Time. Why? Amongst all
 such Courts, and all the Members thereof, of the
 same Order, there is a perfect Parity; and it is a re-
 ceived Maxim, *Par in parem non habet imperium*.
 What Reason is there that any Equal should have a
 Jurisdiction over me, and the Presbyterian Church of
 which

which I am a Ruler, that I have not over him, and the Presbyterial Church of which he is a Ruler? Or how can he, and I be Equal in Power, and the Extent of it, if he have Power in two Presbyteries, and I but in one? Yes, if a Man or a Set of Men, can have a Juridical Power in their own Presbytery, and at the same Time in another distinct Presbytery: why not in a third, fourth, or fifth? *Quid Mirum? minus non variantur Species.* Now, in this Case, (and how soon it may be actually our Case, I know not) would these Presbyters having Juridical Power in all these Presbyteries, be only Rulers, with others having that Power in one Presbytery only? And, to query no more upon this Head, would there not be, in these *ambulatory Presbyters* or *Correspondents*, if they will be so called, something *Refractum*, something *repugnant* to Christ's Institution, and to the Interest perhaps of his Church, as a negative Voice in each of the Presbyteries thus corresponded with? I very little doubt of it! Nay, some, it is like, will say more. That, if a negative Voice in a Presbyter, who hath no Right of voting at that Rate, and if then positive Voices in Presbyters, who have no Right of voting at all, *extra territoria sua* are yet voices. By the former it is possible only to obstruct the doing of what is morally good, and ought to be done by the Judicature; but, by the latter, it is not only possible to do this, but also to bring about the doing of what is morally evil, and ought not to be done.

But to what I have here said, it will, no Doubt, be objected, and alledged in favours of the *Correspondents* and *Committees* objected against, that they are not to be considered as single Presbyters, without their own Territory, but as Presbyters authorized

by a Synod, to act as Members of a Presbytery, made their Territory *pro dio & omni*, or as a Judicature clothed with Synodical Power, in Matters committed to them. But, by their good Leave, I am obliged to consider them, as what they are in themselves, and their original Nature and Constitution, and not as what they are, or imagine themselves to be, in their Transmutation by a Synod. Why? A Synod can make these Presbyters their Territory, or Jurisdictional Power, nothing other, larger or greater, than what Christ the Head of the Church hath made them and these. He is the Legislator and Constituter of Judges, Judicatures, judicial Privileges, and Precincts of Jurisdiction, within his own House; in and to which Synods can make no Alterations nor Additions. The Questions then, notwithstanding the above Objection and Allegation, must recur, Whether a Synod, hath a divine Right, or a Right from Christ, to authorize extraneous Presbyters, to sit and act as Members of a Presbytery in which they have no pastoral Charge. And, whether they have such a Right to authorize such Presbyters, as a Committee clothed with Synodical Power, to sit and act as a Judicature, in the Affairs, or any Affair of such a Presbyterial Church.

For answering these Questions in the Negative, sufficient Reasons, I humbly think, have been just now suggested, unless it be pretended, as I hope it will not, that Synods have a Right to make primary Laws in the Church; to alter the Nature of Presbyters from what Christ hath made them; to destroy the Parity he hath established among Brethren of the same Order, and Judicatures of the same Kind; and to exterminate the Distinction of Judicatures, and

Precincts

Precincts of Jurisdiction, as well as to lodge a Power in some Presbyters, *pro hic & nun*, that none of their Predecessors in the Apostles Days, were ever possessed of, and that hath no Shadow of Warrant or Precedent in the Word of God.

What I have hitherto advanced, is applicable, for the most Part, to *Correspondents* and *Committees* both, I might now consider them separately, but the Subject, with respect to the former, being, in a good Measure, exhausted, I shall only add thereupon, that *Correspondents*, having no pastoral Charge within the Bounds of the Presbytery with which they pretend to correspond, can therefore have no Presbyterial Power of Government or Jurisdiction, in or with that Society. Why? To feed as Pastors, and to oversee as Bishops, are committed by the Apostle, in the Duty he requires of the Elders of the Presbyterial Church of *Ephesus*, *Act* xx. 28. And the Duties committed in them by the Spirit of God, are not to be disjoyned in others of their Character, by the arbitrary Will of Man. A Minister's Right, by the Law of God and Nature, to a Vote in a Presbytery, or to a Share in the Government of a Presbyterial Church, is founded in his Interest therein as a Pastor, or in his having a Share of that Church under his pastoral Care. This gives him a Title to a Vote or Share in the Government of all the other pastoral Charges within the Bounds; because the other Pastors of these Charges have a Title to Votes and Shares in the Government of his Charge; and all of them, being equally necessary to one another, for carrying on the Government and Discipline of all the pastoral Charges of that Presbyterial Church, conjunctly and severally considered, must, of consequence, be equally impowered and

and obliged so to do. But, for a Minister to pretend a Power of ruling, where he hath not any Consent in teaching, or in feeding (any Part of that Church he pretends to rule,) with the Word and Sacraments, looks very like an Anti-Presbyterian Claim. And if I mistake not the Import of the Text above cited, and of 1 Pet. v. 2. Heb. xiii. 17. it is an anti-Scriptural Claim also.

As to what is peculiar to our modern Committees, they assume a Right not of judging in and with a Presbytery only, but without and above them too: a Right, forsooth, of acting within the Bounds, and about the Business of a Presbytery, as a *Judicature clothed with Synodical Power*. This indeed is a considerable Claim, which I refuse to *allow*; and, in Opposition thereto, affirm, That such a Committee is not an ecclesiastick Judicature, and hath not, nor can have a Synodical Power derived to it, or lodged in it.

That such a Committee of Presbyters, picked out here and there, and appointed by a Synod to meet within the Bounds of a Presbytery, and to act in their important Affairs, is *not an ecclesiastick Judicature instituted by Christ, pretended to by this Church, or authorized by her civil Establishment*, is all beyond Doubt with myself; because, amongst the ecclesiastick Courts mentioned in the sacred Records of Christ's Testament, in the authentick Records of our Church, or Parliamentary Records of our State, I cannot indeed find out such a Court as this Committee, in Name or Thing.

In the sacred Records of the *New Testament*, I can find no Court or Judicature to which our *Synodical Committees* have the least Resemblance; they are no-
thing

like the Courts that governed the Presbyterian
 Churches of Jerusalem, Ephesus, Antioch, Corinth, &c.
 These Courts consisted of the Pastors and Elders of
 those Congregations or Flocks which they fed as well
 as ruled, as I have but lately cleared; whereas our
 Committees pretend to rule, but not to feed the Rai-
 ed. They have no pastoral Charge, stated Communi-
 on, ordinary Fellowship, or personal Residence with-
 in the Bounds of the Presbyterian Church they intrude
 upon. Besides, these primitive Courts were an insepa-
 rable Part of the Catholick Church, capable, as such,
 to have and exercise Jurisdiction, or they were an in-
 the Representation, or governing Part of an incorpo-
 rated Body, complete in its Essence and Constitution.
 But our Committees are nothing like this; they
 are far from being an intire governing Part of any
 Church. Of the Synod appointing them, they are
 not the third nor fourth, nor, perhaps, the tenth Part;
 of their own Presbyteries, they are but for ordinary,
 the smallest Part; and, of the Presbytery upon which
 they obtrude themselves, and are obtruded, they are
 neither Part nor Portion. Nor are they any Thing
 like the Synod that met at Jerusalem, Acts xv. It was
 not, as our Committees are, Substitutes of any Synod,
 Assembly or Commission, superior in Power or Num-
 ber to itself; but it was a Court made up of Mem-
 bers, or Delegates from sundry lesser Courts, which,
 united together therein, made it superior to any of
 them, and equal to them all in the Extent of its Juris-
 diction. Such a Synodical Constitution, or Extent of
 Jurisdiction as this, our worthy Committees will not,
 I hope, pretend to. Neither can they pretend, That
 this, the only Synod mentioned in the Word of God,
 did substitute a Committee of their Nature or alleg-
 ed

ed Power. No certainly, they appointed no Committee like those now in Fashion. They sent indeed chosen Men of their own Company, *Judas and Silas* to Antioch, and wrote Letters by them to that Church, and to the Churches of Syria and Cilicia, *Acts xv. 22, 23*, but made these two Brethren no Court, nor gave them any Jurisdiction in or over these Churches; nor indeed any Synodical Power, except to deliver their Letters, as the authentick Extracts or Documents of their Decrees, and to tell them the same Things by Mouth, *Acts xv. 27*. Which Trust, without pretending to a juridical Power, they faithfully executed, as appears from the 30, 31 and 32 Verses of the Chapter. Now, if such a Power as this, of delivering the Letters, or Decrees of their Synod, in Writ and by Word of Mouth, yea, of enforcing them with their greatest Perswasives, will please our Committee-Brethren, as it did greater and better Men, they may have it, but must not pretend to be a Court of Christ's instituting, seeing, in the Records of his Testament, there is not a Word, Vestige, or Samblance of them, nor any Model or Pattern for them, as a Court of Judicature.

In the Records of our Church, I find complete Lists of her Judicatures, yea, and of all the Judicatures of the *Catholic Church*, but no Committee of Synod amongst them. Thus, I see the Judicatures of the *Catholic Church* condescended upon by the *Westminster Assembly*, in their *Form of Presbyterian Church Government*, agreed to, and approved by the General Assembly of this Church, anno 1645; and there the Judicatures, or Assemblies for Church-Government, are only *Congregational, Classial and Synodical Assemblies*; which last are either *Provincial, National, or OEcumenical*.

OEcumenical. Then the Judicatures of our Church, restored to their Integrity, in their Members, Privileges, Liberties, Powers and Jurisdictions, as they were intitled by the Book of Policy, registered in the Books of Assembly 1581. these Judicatures, I say, so instituted and restored, are only *Kirk-Sessions, Presbyteries, Provincial and National Assemblies*, as is plain from *Act, Sess. 21. Assen. 1638*. And the very same List, of a more modern Date, we have expressed in our *Form of Process*, Chap. 1. Parag. 2. ratified and approved by *Act 11. Sess. 11. Assen. 1707*. And, seeing in none of these Lists of Judicatures, approved by our Church, is a Committee of Synod to be found, it can be none of her Courts, nor any Court of the Catholick Church, in her Opinion.

And from the Records of Parliament, and Acts thereof, before and at the Union of the two Kingdoms, it is evident, That a *Committee of Synod, conjunct Meeting, or Court of Correspondents* (call it what you will) is none of the Judicatures of this Church, authorized by the State in her civil Establishment, wherein her Courts are all particularized. Thus the Presbyterian Government of this Church, by *General Assemblies, Provincial Synods, Presbyteries, and particular Sessions* (as they are there called) is ratified and established, by *Act 116. James VI. Parl. 12. anno 1592*, entitled, *Ratification of the Liberty of the true Kirk*. Also the same Government, with the same Judicatures expressly named, is ratified and established by *Act 9. Sess. 2. Parl. 1. K. W. and Q. M.* entitled, *Act ratifying the Confession of Faith, and settling Presbyterian Church Government*. And as the Government of our Church, established by the forsaide Acts of Parliament and others, is settled and secured, to remain and continue unalterable,

unalterable, at making the Union, and by a fundamental Article thereof; to the foresaid Judicatures of our Church, viz. *Kirk-Sessions, Presbyteries, Provincial Synods, and General Assemblies*, are expressly named in the said Article of Union, as well as in the Acts of Parliament, of both Kingdoms, ratifying and approving that Treaty: In which Acts of Ratification, is insert the sixth Act, *Parl. 1. Sess. 4. Q. Anne, anno 1707. entitled, Act for securing the Protestant Religion and Presbyterian Church-Government*. In all which Acts of Establishment and Security, before and at the Union, making Mention of the Judicatures of this Church, and authorizing the same, there is not the least Word or Syllable of a *Committee of Synod*, or any such Court! The Inferences might be drawn from this, in Point of Law, with respect to Deeds done by such a pretended Court, I industriously forbear, and proceed to consider what is said for it upon another Footing, to wit, the Power of Jurisdiction derived to such a Committee from a Synod.

All Derivation of ecclesiastick Power, from one terrene Subject of Power to another, I have already disclaimed, and do absolutely disclaim and refuse. Why? All such Power is derived from the original Fountain Jesus Christ, and is lodged by him in such Subjects as he hath thought proper, and made capable, according to their Sphere, to exercise the same. Ecclesiastick Power or Jurisdiction is a Matter of Trust, committed by our Lord to certain Trustees, Judges, and Judicatures of his own appointing, to which neither Judge nor Judicature can be added by Men: And this Trust, being of the highest Nature and greatest Importance, is to be fulfilled and discharged in the Persons of the Trustees themselves, and not by Delegates of their choosing,

choosing, without the Warrant and Consent of their Employer. The Maxim must as well hold in this, as in other and lesser Cases, *Deputatus non potest deputare*. If a Synod could derive or delegate their juridical Power to a Committee in one Case, then might they in another, and, by a Parity of Reason, in a third, or fourth, yea, in every Case subject to their Jurisdiction; and, if they could derive all their Power, in all Cases, to a Committee of ten or twelve, why not to six or eight? And, if to six or eight, why not to three or four? And, if to three or four, why not to one or two? *Majus & minus non variant Speciem*. At this Rate of deriving Power, it is easy Work (the Vote of a Synod or Assembly can do it) to make a Prelatical Bishop in every one of our Provinces, and an Archbishop over our Church! Nay, to carry the Thing as far as it will go, a General Council (if it could be had) might make a Pope or universal Bishop, by deriving all Church-Power to, and lodging it in one Person! But it will not be quite so easy to find out a Warrant for such a Derivation.

As a Synod has no Right to derive or transfer their Power from themselves to others, so a Committee hath no Capacity to receive the same; it is not a *Subject recipient* of such Power, nor made capable, by Christ's Institution, to exercise it. Why? It is not, as hath been already cleared, a Judicature of his Appointment, or an integral Part of the Church politick, competent to receive and exercise Church-Power. In a natural organized Body, the Power belonging to the Whole, cannot be derived to, or received by some of the Members; nor can the Power, peculiar to one Member, be derived to, received, or exercised by another. For Instance, the Power or Faculty of run-

ning a Race, or travelling a Journey, which belongs to the whole Body, cannot possibly be communicated to, received, or exercised by any of the Limbs or Members separated from this whole; no more can the Faculty of seeing, peculiar to the Eye, be derived to, received, or exercised by the Ear; nor can the Faculty of hearing, peculiar to the Ear, be received, or exercised by the Eye, &c. The Constitution of the Body, wisely framed by the Author of Nature, for all the Ends and Purposes intended by him, must remain *unalterable* (by the Force of Derivation) in its essential Powers, Capacities and operative Faculties. And, as it is with the *Body natural*, so is it with the *ecclesiastick Body politick*, equally firm in its Constitution and original Frame.

To support the Pretence of deriving Power from a Synod to a Committee, it will readily be alledged, that ecclesiastick Power is derivable from one terrene Subject to another, and is actually derived by Presbyteries to their Delegates, or Commissioners to General Assemblies. But this I beg Liberty to deny, and, upon the other Hand, to affirm, That such Delegates, or Commissioners, do derive, from their Presbyteries, no formal juridical Power, but a Power of Membership only, or a Right of being Members of the superior Court to which they are sent, and of joyning therein with others in the Exercise of the Power derived thereto from Christ himself, as to a Court of his own Appointment. Commissioners from Presbyteries, to a National Synod, have not in them a formal or actual Synodical Power, upon receiving their Commissions; but this Power they only have upon their being incorporated into that Synod, met and constitute in Christ's Name, and deriving its Authority from him.

Hence

Hence the Acts of such a Synod run not in the Name of the Presbyteries represented therein by their Commissioners, but in the Name of Christ, and of his Spirit; so did the Acts of the Synod of Jerusalem, Acts xv. 28. *It seemed good to the Holy Ghost and to us, &c.* To the same Purpose, and for clearing the same Case, this Text is cited, and applied by our reverend and worthy Professor *Rutherford*, in his *Due Rights of Presbyteries*, Page 385.

4thly. The Obtrusion of Committees, &c. is inconsistent with the Work about which they are ordinarily employed, the Ordination, to wit, and Admission of Pastors, within the Bounds of well constitute Presbyteries. This Work or Privilege doth peculiarly belong to every such Presbytery within its own Bounds, as is plain to me from the Word of God, and the Reason of the Thing.

From the *New Testament* History, it evidently appears, that the Ordination and Mission of Pastors, and other Church-Officers, were the peculiar Acts or Deeds of Presbyteries, and not of Committees, nor of Synods themselves. Thus, *Timothy* was ordained by the laying on of the Hands of a Presbytery, 1 *Tim.* iv. 14. in which Presbytery, the Apostle *Paul* seems to have acted as a Presbyter, and to have presided in the Action, 2 *Tim.* i. 6. *Paul* himself, and *Barnabas* his Fellow-Labourer, had their special Separation and Mission to the Gentiles, from a Presbytery at *Antioch*, Acts xiii. 3. and the seven Deacons were ordained by the Apostles, acting as the Presbytery of *Jerusalem*, Acts vi. 1 --- 6. but there is no Mention, in all the *New Testament*, of any Church-Officer ordained or missioned by the Synod at *Jerusalem*, or by a Committee thereof.

And

And as the Word of God, for the very Reason and Nature of the Thing, speak forth the peculiar Interest that a Presbytery hath in the Ordination of Pastors, &c. within its own Bounds. Why? This Work, and that Judicature, are best suited to one another. The Ordination of Pastors is a Piece of ordinary Work, which, by Reason of Mortality, must always be occurring in the Church, and therefore must needs be more proper for a Presbytery, as an ordinary fixed Court, than for any occasional Court, real or pretended; and as that Work is most proper for a Presbytery, so a Presbytery is most competent for it. A Presbytery, as I have already proven, is a radical Judicature, vested by our Lord with all ecclesiastick Power within its own Bounds, of which the Presbyters, conjunctly and severally, are made Overseers by the Holy Ghost. Every Vacancy in these Bounds is a Part of their Presbyterial Church and Charge, and every Candidate, settled therein, becomes a Member of their Judicature; therefore, and upon these Grounds, Reason, I think, would strongly plead, that the Presbytery, and none else, should have the Right and Privilege of settling a Pastor in the vacant Part of their own Church, and of admitting him into the vacant Room in their own governing Society; upon the contrary, I am sure, that all the Reason in the World is against committing such a Business to a Committee of Strangers, supposing it a Judicature, which I have refused, and endeavoured to disprove.

Notwithstanding all I have advanced from the Word of God, and the Nature of Things, against *Correspondents* and *Committees*, and against obtruding them, or either of them, upon Presbyteries, especially in the Affair of settling Ministers; yet, I know, some will persist

persist in defending this Practice, and in alledging the Necessity thereof, in order to the Executing of the Sentences of Synods, and to the Maintaining of their Authority over *recusant Presbyteries*, as subordinate Judicatures, not to be allowed a Negative upon their Superiors. From these Pretences I shall take Occasion to offer some few Thoughts, and with these shall put an End to this Subject, much longer insisted upon already than at first was intended.

First Necessity pretended, I humbly think, is a very insufficient Plea against divine Authority and Institution; and yet, I own, hath been much made Use of, for introducing and supporting ecclesiastick Innovations and Encroachments. What the Lord of the Vineyard hath thought necessary, so should the Labourers; but for them to find a Necessity, where he hath found none, is to make themselves wiser than the only wise God our Saviour.

2dly. As no Necessity whatsoever can legitimate an Action morally evil in its own Nature, so no Necessity, but what is absolute and unavoidable, can justify an Action circumstantially evil, or the Circumstances of an Action that are wrong in themselves, abstracted from that Necessity. Necessity of our own making, or brought upon our selves through our own Fault, may well drive us out of the right Road, but can never excuse us, in our Deviation. To bring this home to the particular Case in Hand; when a Synod by pronouncing a Sentence a Presbytery hath not Freedom to execute, but is obliged, in Conscience, to appeal from it to a superior Judgment, and by determining the Execution thereof, in one Way or other, previous to the Meeting of the Judicature appealed to; when a Synod, I say, by these Steps, makes it necessary to ap-
point

point Correspondents with that Presbytery, or a Committee to act in their Bounds, in the Settlement, for Instance, of a Minister; then, I humbly think, the Necessity for that Appointment is of their own making; it is owing to themselves, who have pronounced such a Sentence, so cross to the Consciences of those most immediately concerned, and who wilfully push on the Execution of it, before they can have a fair Hearing; neither of which can I think necessary, *necessitate rei, necessitate precepti, aut necessitate modii*; but upon the contrary.

3dly. *Dato, sed non concesso*, that there were a Necessity for pronouncing, and executing speedily, the Sentence of a Synod, appointing the Settlement of a Minister within the Bounds of a dissenting, appealing, and reluctant Presbytery; yet there is no Necessity for effecting this Settlement, Ordination, or Admission, by Correspondents, or a Committee. Why? There is another and better Way (tho the best of both seems exceptionable in all ordinary Cases) for doing the Thing; and that is, by the Synod themselves, as a Synod. As such, I acknowledge their Superiority over a Presbytery, and their Capacity to meet in any Place within their own Precinct, and to act in any extraordinary Affair occasionally coming before them: All which I have, upon good Grounds, denied, and still continue to deny, to any Correspondents or Committees of their Appointing. Here then is a *Salvo* for the Difficulty, and an Answer to the Pretext of Necessity, far more consistent, than the Obtrusion of Correspondents or Committees, with the divine Rule, and with the Nature, Power, and Subordination of Judicatures established by the Head of the Church.

Why

Why nothing less than a whole *Synod* can execute their own Sentence, in Opposition to a whole Presbytery concerned, by setting about the Ordination or Admission of a Minister in their Bounds, is evident, I hope, from what I had formerly advanced, and have but just now insinuated. I shall only add, that, talking, as some do, of the Execution of Sentences, without making any Difference or Distinction among them, is a very lax Way of thinking and speaking. In some Sentences, the only Solemnity, and Exercise of juridical Authority, lies in the Passing or Pronouncing of them; but the Execution thereof hath no such Thing in it, or in the Executor. Thus is it, for Instance, in a Sentence appointing a Delinquent to be cited to compare and answer for his Delinquency, before an ecclesiastick Court to which he is subject; which Sentence, having nothing juridical in the Execution of it, may be executed by any Official whatsoever, capable, by Word or Writ, to intimate the Mind of the Court to the Party, and to require his Obedience. But is it so with respect to all Sentences, and the Execution thereof? Far from it! It is beyond all Controversy, that there are some Sentences, with respect to which the greatest Solemnity, and most authentick Exercise of ecclesiastick Power, lies in the Execution of them. Thus is it, particularly, with respect to a Sentence appointing the Ordination of a Minister; which is nothing more but the Resolve and Decree of the Court, that such a Thing shall be done, in Case no Objection be made, nor any Occurrence happen, relevant to obstruct the same. But, in the Execution of this Resolve and Decree, or in performing the Deed or Act of Ordination decreed, after due Steps made, and Judgments past by the

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Executors,

Executors, in order thereto; in this Execution, I say, and in these previous Steps, there is such a solemn Exercise of ecclesiastick Power, as cannot be put forth by any Officials or Executors the Court decreeing please to appoint; but must be put forth by themselves, or by some other Court equally competent, by Christ's Institution, for the same.

4thly. If Synods will have their Authority kept up, and their Sentences executed, with respect to the Ordination of Ministers, and yet will not set about this Work by themselves, when a Presbytery declines to do it, then I see nothing they can do, without making a palpable Encroachment upon our Lord's Institutions, but either to beware of passing such Sentences as may be shocking to Presbyteries, or else to depose the recusant Presbyters, to make Way for others will be more complaisant. The first of these is certainly the best Course, and most agreeable to the binding Pattern of the often mentioned *Synod of Jerusalem*; whose Reasonings and Decrees, set before us *Acts xv.* do abundantly discover, that, as they meddled with nothing of the ordinary Business of Presbyteries, with nothing but what came fairly before them by a Reference; so they handled and determined that occasional Affair with the greatest Caution and Circumspection, with the greatest Carefulness not to offend or irritate any concerned, and with the utmost Lenity toward Persons of scrupulous, as well as tender Consciences. Tho they were the highest Judicature of the Christian Church, yet they did not lord it over the Consciences of the meanest Member, and much less over any inferior Judicature of the same divine Institution and Appointment with themselves.

I own,

I own, however, that Synods have a Power to take the other Course, to make Way, I mean, for the Execution of their Sentences, by deposing the old Members, and erecting a new Presbytery: But this indeed would be done upon good Grounds, and in due Form of Process; and were it so done, I humbly think there would be less Danger and Evil in it, than in obtruding a Committee upon a well constitute Presbytery, and upon their Work of ordaining Ministers within their own Bounds. Why? In the first Case, a Synod may be in the Right; but, in the last Case, it must be in the Wrong. In that Case, supposing a Fault, yet it is only in the Management or Exercise of a real Power lodged in a Synod; but, in this Case, there is a Fault, and that very heinous, in assuming and arrogating a Power a Synod hath not! a Power, *to wit*, of making or setting up a new Court in our Lord's House, a Court never instituted or authorized by him, for ordaining Ministers. And if this is not an Usurpation of, or Invasion upon his regal Authority, I leave to be judged!

In fine, as Synods have more Ways than one of executing their own Sentences, and supporting their Authority, without encroaching upon Authority far greater than theirs; so they have no Ground to apprehend, that any Presbytery will claim a *Negative* upon them; unless it is such a Negative, as the meanest Man in the World hath upon the greatest; a *Negative*, I mean, in Point of Right, to deny doing what he judgeth in his Conscience to be *evil in the Sight of God*. Such a *Negative* as this, is, I am sure, well founded in Religion and Reason; and Presbyteries with regard to their Title to it, may appeal to the Judgment of Synods themselves, as did the Apostles

Peter and John to the Rulers of the Jews, Acts iv. 19. Whether it be right in the Sight of God, to hearken unto you more than unto God, judge ye. Altho the Judicatures of the Church are subordinate to one another, yet, in perfect Consistency with that Subordination, the Conscience of every Judge retains its *Independency*. It is *God's Deputy in Man's Breast, so to Deo minor*. Conscience should ly open to Light and Influence, and may receive a great deal thereof, from the Proceedings and Judgment of a Synod, but is not to be wrought upon, by *mere Authority*, nor by the *modern Engine of Correspondents and Committees*.

S E C T. III.

Of National Synods, or General Assemblies.

ALL Synods, Provincial, National, &c. being of the same Kind, as hath been observed, and is generally owned, I have said the more of a *Provincial*, that I may have the less to say of a *National Synod*, which, in my Opinion, may be thus defined.

A National Synod, or General Assembly, is the supreme Judicature of a National Church, or of all the Churches of a Nation or Kingdom associated together under one Form of ecclesiastick Government, consisting of all the Presbyteries of that Church convened together, by their Delegates, in Christ's Name, for judging in, and managing of such extraordinary Affairs, of publick Concern to the whole associated Body, as providentially do occur to their Consideration and Cognisance.

I call such a Synod, or General Assembly, a *supreme Judicature*, not only to denote the Completeness of

its intensive Power, but also to point out the *Extension* of it, commensurate to the whole Church, and all the Parts thereof. In the Exercise of which Power, or in the Capacity to exercise the same, and to regulate the Exercise thereof, this Synod is *superior* to all the other Judicatures of that *National Church*.

I have said, It consists of *Presbyteries*, by their Delegates, because I see its *authentick Pattern*, the *Synod of Jerusalem*, consisted of these ; and therefore I cannot help doubting, whether all the *Universities* and *Royal Burghs*, within the Bounds of our *National Church*, have a Right, *jure divino*, to elect and send up their Commissioners or Delegates to our General Assembly ? No Foundation for this Claim can I find in the Word of God.

I have, *indeed*, all due Honour and Regard for our *Universities*, as learned Bodies, of great Usefulness for the Education of Youth, and the Support of Literature ; but cannot find out any Right in there Members, as such, when they are not Church-Officers, to delegate Members to any Court consisting of such Officers only. It is not enough that the Person *delegated* is a Church-Officer, if the Persons *delegating* are not such likewise ; his Right of Membership, or of being a Member of the Court to which he is chosen, must depend upon theirs ; and if they have none, neither can he. It is hard for me to conceive, how any Man can give to another, what he hath not himself ! and not quite easy to apprehend, how such as are not capable of being elected can be capable of electing Members to our Assembly ! I acknowledge, however, that where there is an University, such a Number of Ministers and Elders, as, by the Rule of Proportion observed in *Presbyteries*, have a Right to choose a Representative,

sentative, they may be allowed this Privilege; and that where there is not such a Number, such as are of the University may be chosen by the Presbytery of the Bounds, if they think proper; but to allow them, in both Capacities, as Members of an University and Members of a Presbytery, to elect, or to be elected, seems somewhat inconsistent with *Reason, Scripture-Pattern, and Presbyterian Parity*.

Our *Royal Burghs*, I likewise regard and honour, as Incorporations of great Consideration; but yet it is impossible for me to see any Right or Title they have, in Religion or Reason, for a *double Representation* in our *Assemblies*. Represented they are, by the Delegates or Commissioners from the respective *Presbyteries* to which they belong, and, in this Way, they are as fully and amply represented, as the other Parts of the National Church; for, as our *Burghs* are the most considerable Societies of Christians, so they have, or are presumed to have, a proportionable Number of Church-Officers, of Ministers and Ruling Elders immediately related to them, and compearing for them in all our Judicatures, personally, or by Delegates chosen by the Presbytery to which they pertain, and in which they have a proportionable Share of Voices and Influence.

This indeed, I think, is a sufficient *Representation* for any of our *Royal Burghs*, seeing nothing more seems to be allowed them by the Word of God. In the *Model*, according to which our *General Assembly* ought to be framed, the Synod, I mean, of *Jerusalem*, *Acts* xv. there were no Delegates from *Burghs*, as such; no Ruling Elders chosen, I am sure, by the *Burghs* of *Jerusalem*, *Antioch*, &c. their *Magistrates* or *Town-Councils*: Nor is it easy to conceive, how

Magistrates

Magistrates of Burghs, or Counsellors, as such, can have any *divine Right* to choose and authorize Delegates or Commissioners to an ecclesiastick Court, seeing they themselves are no Church Judicature, nor any Thing like it? How they have got this Privilege from our Church, without her Lord's Warrant, I shall not pretend to account, much less to foretel what Way they, or some of them, may happen to use it. I may, however, be allowed to narrate a *Passage in Conversation* (without naming Persons) which had some Impression upon me, and is not quite foreign to the Purpose in Hand.

While I was passing, by Water, not many Years ago, betwixt *Kinghorn* and *Leith*, with several others of my own Character, there happened to be with us an unknown young Man, genteel in his Habit and Appearance, who thought fit to begin and carry on a Discourse, anent a certain Affair of Moment and Difficulty that was to come before our then approaching General Assembly, which, he told us, might, perhaps, be divided in their Sentiments about it; but that it would be carried to such a Side of the Question by a great *Blurality*; for, said he, I know that the chief Magistrate of such a Burgh (then named) can command twenty Votes in your Assembly, he having written to more than all that Number of Burghs to send up proper Delegates, and having engaged to do them as great Service in the Meeting of the Royal Burghs. What was true or false in this Gentleman's Story I cannot determine; but, supposing it a *Fable*, the Moral of it, I think, is very *instructive*. And as a Question, then proposed to that Gentleman by one of our Company, viz. How comes it to pass, that Burghs have their Delegates in the General Assemblies of the Church, seeing the

the Church hath no Delegates in the Meetings of the Royal Burghs? As this Question, I say, was somewhat puzzling to him, so would it, I own, have been to myself in his Place.

I am likewise obliged to observe, with respect to the constituent Members of our *General Assembly*, That many Ruling Elders compear therein as Delegates, or Commissioners from Presbyteries in which they have no *Residence*, with which they hold no *stated Communion*, and to which Presbyteries and Presbyterial Churches they have no *special ecclesiastick Relation*, unless it is founded in their Heritages, or Superiorities of Lands lying in these Bounds.

For the honourable and worthy Persons, compearing in this Capacity, and thus taking Place in our *Assembly* (at least for the Generality of them) I have the greatest Regard; but cannot help thinking, that they might and ought to hold their Places in that Judicature, upon a firmer Footing, and by a better *Tenure*; as Members, I mean, of the respective Presbyteries in which they have their *Residence*, and with which they hold *stated* and ordinary Communion and Fellowship, as Christians and Church-Officers, as well as Delegates therefrom. That *Membership, Relation and Fellowship* intitle Presbyteries to give, and Ruling Elders to receive *this Delegation*; but, without the former, I can see no Ground, in the Word of God, or Reason of the Thing, for the latter. No Man, I think, compeared as a Judge, in the *Synod or General Council at Jerusalem*, but he that was a Member of, as well as a Delegate, from *the Presbytery* he represented in that Assembly. The Delegates from the Presbytery, or Presbyterial Church of *Antioch*, were not Strangers thereto, but Members thereof, *to wit, Paul and Barnabas,*

Barnabas, and certain other of them, (or of their Society.) Acts xv. 2. Now, tho Paul and Barnabas were not fixed Pastors of any particular Church, yet, it is very plain, they were not Strangers to the Church of Antioch, but had been long Time in it, and were acting as Pastors to it, when they got their Delegation or Commission from it. They assembled themselves a whole Year with that Church, Acts xi. 26. And there they abode long Time with the Disciples, Acts xiv. 28. And that the Apostles and Elders, Representatives of the Presbyterial Church of Jerusalem in that Synod, were not Strangers thereto, but Pastors or Presbyters thereof, is so plain, as it needs no Illustration, further than what I have already given.

As it is *unscriptural*, so, I think, it is *unreasonable*, That Presbyteries should delegate or commission such, as are not of their Presbyterial Church, to represent them in a General Assembly. Why? If to represent them be a Privilege, then it cannot be alienated to Strangers in Prejudice of the Members of the Presbytery that have a Right thereto; and, if it is considered as a Duty or Burden, then it cannot be laid upon those that are not concerned with it, nor subject to the Authority of the Presbytery enjoying the same.

Nor is it of any Weight with me, That the *non-residing Ruling Elders*, delegated by Presbyteries, have Heritage in their Bounds. This, I am sure, gives them no *ecclesiastick* or *spiritual* Relation to the Presbytery, or Presbyterial Church, in the Bounds of which their Heritage lies, nor any the least Right, or Claim of Right, to any *ecclesiastick* Privilege whatsoever, they are not otherwise intitled to; and, of consequence, gives Presbyteries no Right of delegating them

them to our *Assemblies*. If *Heritage* were of such Influence and Effect (a Supposition indeed scarce to be supposed) then a rich *Ruling Elder* would be superior to any *Pastor*, tho his Office is inferior, in regard of his Access to the Privilege of being a Member of our *supreme ecclesiastick Court*. Such an Elder, having *Heritage*, or Superiority of Lands within the Bounds of five or six *Presbyteries*, would have Access to our General Assembly, and to the Exercise of juridical Power therein, by any of these six *Presbyteries*; whereas no *Pastor* can have Access to that Privilege, or Exercise of Power, by any *Presbytery* but one, whereof he is a Member. Now, if the Head of the Church hath given to *Ruling Elders*, upon the Footing of their worldly Inheritance, such an ecclesiastick Privilege, or Capacity to exercise ecclesiastick Power, in a National Synod, as is six to one greater than what he hath given to *Pastors*, I leave to be judged, from the Apostle's Words, 1 *Tim.* v. 17. and the Words of our Lord himself, *John* xviii. 36.---*My Kingdom is not of this World.*

Our *National Synod*, or *General Assembly*, is, I verily believe, one of the most solemn, august and venerable ecclesiastick Courts in the Christian World at this Day. I do most heartily respect and reverence this Judicature; and therefore have reckoned myself the more obliged to express, on this Occasion, what I think exceptionable in its Constitution; and, upon the same Ground, must beg Liberty to mention, with Regrate, a late Practice in that Court, excepted against by very many, viz. *The restraining of Members from their undoubted Privilege of dissenting; at least, of having their Dissent, with the Reasons thereof, marked in the Records, when they duly enter the same.*

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This *Privilege*, I own, should be *religiously, tenderly, and peacefully* used, especially in such a Court as is our *General Assembly*. But a *Privilege*, I think, it is, inherent in every Member of every ecclesiastick Judicature, and may be exercised by him upon any important, just and necessary Occasion. None of our Courts hath a Pretext to *Infallibility*, or Authority over the Consciences of Men; seeing therefore they may err in Judgment and Practice, by transgressing the infallible Rule of ecclesiastick Proceedings, and seeing some of their Members may be convinced in Conscience, that they have erred, it must needs be their *Privilege*, and, in some Cases, their Duty, under such Convictions, to *dissent* from that erroneous Judgment, or wrongful Procedure. Such *Dissents* some Members of any fallible Court, may sometimes reckon themselves obliged to enter, lest otherwise they should be guilty of sinful Silence, and of partaking of other Mens Sins, &c. And every Member must have an undoubted Right to avoid such Guilt, to exoner his Conscience, to express his Mind, to give his Testimony, and to transmit the same to Posterity; in such Cases especially as remarkably concern the *Glory of God, the Honour of the Mediator, and Interest of his spiritual Kingdom*.

S E C T. IV.

Of a Committee, or Commission of a General Assembly.

THis *Committee, or Commission*, of which I now speak, *consists of Ministers and Ruling Elders, nominated out of all the Presbyteries of this National Church, in Proportion to the Number of each*

Presbytery, (with some Supernumerary Ruling Elders) and appointed, by the General Assembly for the Time being, to meet and act according to their Instructions, till the next Meeting of the General Assembly, to which they are accountable.

The Business of this Commission, is, more generally, to look after the Concerns of the Church in the Interval of Assemblies, and to take Care, *ne quid detrimenti capiat ecclesia*. And, more particularly, to proceed and determine in such Affairs as are specially referred and committed by the General Assembly to their Cognisance and Determination. Their main Work is indeed most important, and worthy of a Court of Christ's Institution, as are the particular Affairs, for ordinary, committed them.

The Way of nominating this Commission, if I mistake not, is in this Manner. Two or three of the Members of the General Assembly, in each Synod of this Church, being appointed, as a Committee, to name the Members of the Commission, the whole Representatives of Presbyteries at the Assembly do meet by themselves, according to their several Synods; and these Representatives, thus classed into Synods, being met at a certain Time and Place appointed them by the Assembly, do name and choose three Members of their own Synod, respectively, to be Members of the said Committee, for nominating the Commission; and this Committee, thus chosen, being met, the Members thereof, out of every Synod, do give in a List of such Ministers and Ruling Elders, as they think proper to be upon the Commission, forth of the respective Presbyteries of their Synod, in Proportion to the Number of Ministers in each Presbytery. But are these Lists given in by the Members of the Committee best acquainted

acquainted with the Persons listed, and with the Inclination of the Presbyteries concerned; are these, I say, the Rule according to which the Nomination is made? No, by no Means! The *sovereign Will* and *Pleasure* of the whole Committee, or of a Plurality thereof, is the *Law* in this Case. They put out, and put in, by their incontestable Argument of a *Vote*, whom they think fitting. And so, having named a Number of Ministers, and Ruling Elders proportionable to the Number of Ministers in every Presbytery, they add to these a good many supernumerary Ruling Elders, of Persons of Quality, or in such and such civil Office and Stations. Thus the Nomination being made by this Committee, passeth, of Course, in the Assembly, and the Commission is appointed accordingly.

The manifold Exceptions, founded in the Word of God, and Nature of ecclesiastick Courts instituted by Jesus Christ, to which this Commission, nominated and appointed after the Manner above expressed, is obnoxious, are so manifest in themselves, and from what I have but lately advanced against Committees of Synods; that they need not, and shall not, be here mentioned. I rather think it proper, upon several Accounts, to take Notice of what is commendable in the Nomination and Constitution of that Commission, and of what further seems necessary to make the same an unexceptionable Court of Judicature.

In the Nomination and Constitution of the Commission of our General Assembly, I think it most commendable, that, according to *Act 6. Assen. 1705.* the whole Presbyteries of this National Church are, or ought to be, equally represented therein, and that their Representation is proportional to the Number of Ministers

Ministers that are in each Presbytery. This equal and proportional Representation of Presbyteries (excluding the *Supernumeraries*) is, I say, most commendable, and doth, in some Measure, discriminate our *Commissions* from the *Committees* I have spoke against. What is wanting then to make a *Commission* an unexceptionable Judicature, is nothing more, in my Opinion, but that the *Presbyteries*, represented therein, have the Power and Access of choosing or naming their own Representatives, which they could do, at the same Time they choose Commissioners to the General Assembly, and could easily notify the Persons chosen for the *Commission*, by a short Extract of this Election sent up with their said Commissioners to the Assembly, or subjoyned to their *Commission*.

This would not only be a better Way of choosing a *Commission*, but an easier also to our Assembly, which would have nothing to do, in the Nomination, but to make up the Roll of Persons nominated by Presbyteries, according to their respective Extracts.

Were the *Commission* of our Assembly (or the Court that meets in the Interval of Assemblies) nominated and chosen after this Manner, by all the Presbyteries of this National Church, then, and in that Case, it would unquestionably be, in its Essence and Constitution, an *ecclesiastick Synod*, conform to the *Model* and *Pattern* set before us in the Synod of *Jerusalem*, *Acts* xv. and, of consequence, would be a *Court of Christ's* Institution, vested with complete ecclesiastick Power in all Matters within its Bounds, regularly coming under its Cognisance; a Court superior, in the Exercise of Power, to any Synod or Presbytery of this Church, and competent for regulating the same in all these inferior Judicatures.

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Should the Wisdom of our Church think fitting to fall in to this Way of nominating and electing her Commission, then, I am morally perswaded, there would be no further Ground of grumbling about this Court, or of calling into question its *jus divinum*, its *intrinsic Power*, or *obligatory Influence*; nor would there be any Occasion, for moving the Doubt, whether the Commission's Sentences are irreversible, yea or not?

This indeed, I think, is a Question should not be answered in the Affirmative, with respect to the Sentences of any of our ecclesiastick Courts, the highest not excepted. Why? Any Court made up of Men subject to the like Passions with others, may, through Ignorance, Inadvertency, Misinformation, or human Frailty, commit an Error, and do an iniquous Thing, of which the same Court, at an after Meeting, may be convinced; shall therefore such an iniquous Sentence, appearing in its true Colours, be found or reputed irreversible, because it hath been pronounced by a Court of great Authority? No certainly! This were, as a worthy Minister of this Church once observed to me, *To establish Iniquity by a Law*. If the Thing done is *funditus* wrong, be done by whom it will, it may and ought to be reversed, upon Conviction, by the same, or a superior Judicature; for, as Wrong hath no Warrant, so ought it to have no Establishment or Security.

But were once our Commission, in the Nomination, Election and Constitution thereof, ordered and modelled as above proposed, then its Sentences, I humbly think, would be as *irreversible*, and should be as seldom reversed, as the Sentences of our *General Assembly*; because, its divine Authority would then,
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in my Opinion, be as incontrovertible; and the Incon-
venience of reverting into Sentences would be equally
great.

S E C T. V.

*Of the Manner in which the Influence of the Supreme
Judicature of this Church, may and ought to be e-
qually and universally diffused through all the Parts
thereof, for the Good of the Whole.*

THe Judicatures of this Church, in their Na-
tures, constituent Members, and respective
Powers, &c. having been treated of in the
preceding Sections of this Chapter. It now re-
mains that I subjoin a few Thoughts upon the Sub-
ject of this Section.

Every Body will own, That, in Subordination to
the Glory of God, the Good of the whole Church
should be great End of our *Supreme Judicature*,
(whether *Assembly* or *Commission*) in which the Whole
is represented, and to which every integral Part hath
an equal Relation; and that, for reaching that End,
the Influence of this Court should, as much as is po-
ssible, be equally and universally diffused throughout
all the Parts thus represented in it, and related to it.
All the Question is, how this can be done; which
indeed might much the more easily be resolved, in
case our General Assembly could circulate its Meetings,
and hold them, by Turns, in the different Parts of
the Church; which, I acknowledge, is rather to be
desired than expected.

The *Commission*, however, hath no such Reason,
as the *Assembly*, for sitting always in one and the
same

same Place; and that it should do so, appears to me most unreasonable, unequal and hurtful. Why? Our General Assembly not having Time to overtake the Consideration of all the Affairs and Proceses that come before the same, the greatest Part of them are, for ordinary, referred to the Commission, to meet at Edinburgh immediately after Rising of the Assembly, and there to meet likewise in August, November and March thereafter. Now, supposing the Affairs, or Proceses referred, do immediately concern Judicatures and Parties that live in Places of the Church and Nation at the greatest Distance from that Seat of the Commission, then, and in this Case, which often falls out, what a Hardship must it be upon the Persons and Purse of these concerned, there to attend their Business? yea, how impossible, upon some Occasions, must it be for them so to do?

Nor is this a Hardship upon Parties only, but upon Judges also, Members, I mean, of the Commission, living at a great Distance from Edinburgh. These have as good a Right, as any of their Brethren, to sit in the quarterly Meetings of this Commission, and some of them, perhaps, have an equal Capacity and Inclination to serve the common Interest by so doing; but are far from having Access, with equal Facility, to use their Right, or exert their Abilities for that End. Now, why it should be made so difficult for some, and easy for others, to enjoy a Privilege, or set about a Duty, wherein all of them have the same Interest and Concern, I do not indeed understand! especially when it is easy, without any Inconvenience to the common Cause, to bring them somewhat nearer, at least, to an Equality; yea, when the Interest of that Cause might, in this Way, be promoted.

It is undeniably true, That the Case and Circumstances of our Church are not the same in all the Parts of it, and that the Peculiarities of every Part are best known to such as reside therein, or nearest thereto; and that, of consequence, such Persons, *pariter paribus*, must needs be the best Judges of what is fittest to be done, in Affairs that immediately relate to their own Corner, or their Neighbourhood; and of what may be most conducive to the great End of Edification therein. But it is as true, That, while the Meetings of our Commission are confined to one Place, the most important Affairs of the more remote Countries and Districts of our Church, must be cognosced and determined by such as are the greatest Strangers thereto, to the peculiar Circumstances thereof, and to what might be best and most edifying therein. Few or none of the Members of the Commission, from these remote Districts, or from their neighbouring Countries, can attend at *Edinburgh*; and therefore the Management, and final Decision of their Affairs, must fall into the Hands of some more as thirty Ministers and Ruling Elders residing in and about that City, or at no great Distance therefrom.

I am far, however, from intending here any the least disparaging Reflection upon these Managers, whether Ministers or Ruling Elders. I cheerfully acknowledge their valuable Endowments, and honour the Gifts of God in them; but may be allowed, at the same Time, to say, That their visive Faculty is bounded, as well as other Mens, and that it is impracticable for them so well to know the peculiar Case and Circumstances of the Church, in the distant Parts of the Nation, as those that live therein, or in the Neighbourhood thereof; and that it cannot be so easy

fy for them) at least, to manage the Affairs of these unknown Parts, to Edification, as it would be to Men better acquainted therewith. Would they therefore be perswaded, to take their Turns, with others of their Character, in travelling abroad the Nation, for attending the Meetings of the *Commission*, in the different Corners thereof, then I doubt not but they might become yet greater Men than they are! greater, *to wit*, in their Knowledge of, or Acquaintance with the State of the Church, and the Variety of Circumstances to be seen therein; and greater, of consequence, in their Capacity to do her Service.

Upon the Whole, it appears to me, that our *Commission* ought to circulate, and to hold its quarterly Meetings by Turns, in all the *greater Cities and more considerable Towns of the Nation*, as the Affairs committed and depending shall happen to require. My Meaning plainly is, That the Meeting in *May*, immediately after the Rising of the Assembly, should be at *Edinburgh*, (where many Members will be upon the Place) and that the Affairs admitting of least Delay, especially of the *South*, should be cognosced by this Meeting; and that the Meetings in *August*, *November* and *March*, should hold in some one or other considerable Burgh in the North, West and South Countries, as the depending Affairs from these Countries call for it.

My Reasons for this Proposal I have already insinuated, and might now subjoyn others; but this Dissertation having insensibly increased above what at first I intended, I must abruptly put an End to it, *heartily wishing* it may be read, by all that think it worth their While, with as little Prejudice, Partiality and Biass, as it hath been written by me; and that,
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by the divine Blessing, it may, in some Measure, be made useful and subservient to the great Ends I have sincerely proposed by it, the Glory of God, the Honour of the Mediator, and the Interest, Peace, and Safety of his Church in this Land.

F I N I S

E R R A T A.

Page 3. Line 4. for *Bonds* read *Bones*. P. 5. L. 6. read *in* bearing hard. P. 47. L. 4. for 6. read *and* vi. P. 101. L. 10. read *the* Church. P. 122. L. 1. for *it* read *is*. P. 123. L. 28. for *and* read *as*. P. 157. L. 32. read *in* an University. P. 164. L. 15. read *to* them.

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